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**EQUALITY, CAPABILITY AND SOCIAL JUSTICE IN  
EDUCATION: RE-EXAMINING DISABILITY AND  
SPECIAL EDUCATIONAL NEEDS**

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## **Abstract**

This study is a philosophical conceptualisation of educational equality in relation to provision for disabled students and students with Special Educational Needs. Its theoretical core is the outline of a principled framework for a just distribution of educational opportunities to these students.

Situated within liberal egalitarianism, this conceptualisation relates principles of justice as fairness (as developed by John Rawls) and the capability approach (as developed by Amartya Sen and Martha Nussbaum) to the areas of disability studies and special and inclusive education.

Current perspectives on disability, and in particular the social model of disability, and positions on Special Educational Needs, as well as related policies, present theoretical and operational limits not only in relation to the achievement of inclusion, but also in addressing the equal entitlement of children to education. These limits derive primarily from the absence of clear principles, and relate specifically to the understandings of disability and special educational needs informing these perspectives.

This conceptualisation of educational equality operationalises the capability approach with reference both to issues of definitions and of provision. The capability approach is a normative framework where equality is evaluated within the space of the actual freedoms - or capabilities - people have to pursue their ends and to convert resources into functionings they value. In connecting capability to the demands of justice, this approach contributes important insights to the theorisation of a principled framework for resource distribution. The framework theorised entails principles of justice as fairness informed by a capability metric, which is sensitive to the interests of disabled students and students with learning difficulties, and underpinned by definitions of disability and Special Educational Needs reconsidered in terms of functionings and capabilities.

Whilst re-establishing the centrality of educational equality, this study re-conceptualises disability and Special Educational Needs within a framework of justice.

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I declare that the work presented in this thesis is my own original work.

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# Chapter 1

## Introduction

Educational equality is a fundamental value of social justice. It is surprising, therefore, that whilst the analysis of social justice is central to theory and research in education, the conceptualisation of educational equality is rather neglected. The meaning of equality in education is therefore unclear, and there is a lack of consensus on its implications at policy level. However, as an important aspect of social justice, equality has a crucial normative role to play at two interconnected levels in education: the theoretical level, concerned with conceptualisations of values and aims, and the level of provision, related to the enactment of these ideals into policies and practice. Two examples can help in illustrating the relevance of educational equality for the theory and practice of education.

First, consider the understanding of educational equality as equal entitlement to education, which informs many state systems of schooling. While the idea that all are equally entitled to education is an appealing general aim, the precise content of this aim is not only difficult to determine, but also a source of controversy in itself. On the one hand, an equal entitlement to education can be understood as implying the role of the state in enacting it through the equal provision of schooling, for example through a national curriculum. On the other hand, another way of understanding the equal entitlement to learning may relate to giving everybody an equal chance of developing and fulfilling individual interests. Each of these proposals entails evidently a different understanding of an equal entitlement in the provision of education. Furthermore, an equal entitlement to education is a different concept from an entitlement to an equal education. Whilst the former concept relates to the idea of an equal right to education, the latter refers instead to the equal provision of educational resources. These contrasting understandings show, and in turn reflect some of the complexities of the concept of equality in education.

Second, consider the relevance of equality at the level of provision, and hence in terms of the design and implementation of systems of school funding, with their different implications and results. Underpinning many systems of funding are policies aimed at fairness and claiming to apply equity measures. Here again, however, the understanding of fairness in terms of resource distribution, or even the

meaning of equity, need specification. For instance, one of the most recent funding policies in England and Wales is the 1998 Consultation Paper *Fair Funding* (DfEE, 1998). As its name implies, fairness appears to be at its core. Yet studies attest to the wide range of different funding procedures in the finance of special and inclusive education arising from its regulation, and thus reveal the pervasive unequal results it has led to across the country (Evans et al., 2001, Seaton, 1999). Therefore, if policies aimed at fairness in the provision of resources do have disparate results in terms of equality, then clarifying the meaning of educational equality to inform policies that are more just becomes an important educational matter.

These two examples clearly point out the importance of equality in the theory and practice of education. Further, they highlight that the meaning of educational equality relates fundamentally to questions of distributive justice. Asserting, on the one hand, the right to an equal education, and, on the other, the importance of fairness in school funding, implies an understanding of educational equality in terms of equal distribution. Finally, and importantly, these examples highlight also the importance of clarifying the precise meaning of educational equality, both theoretically and normatively, as a fundamental aspect of the design of policies aimed at social justice in education.

My thesis is concerned with the debate on equality in education and explores some aspects of the concept of educational equality in its distributive meaning, i.e. in its conceptualisation as fair distribution of educational opportunities and resources. More specifically, it analyses the meaning of educational equality in relation to one of its most difficult problems<sup>1</sup>: the conceptualisation of equality in the distribution of educational opportunities and resources to children with different levels of abilities, and in particular to disabled children and children with special educational needs. There are two main difficulties related to conceptualising educational equality for these children. On the one hand, difficulties arise at the level of ideal theory and reside in defining precisely what is a just distribution of resources when considering learners' differences and differential abilities. This is a normative problem, which considers educational equality for disabled learners in ideally just conditions. On the other hand, difficulties arise in relating normative considerations to the complex area of special and inclusive education, thus in connecting ideal theory to non-ideal

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<sup>1</sup>In *School Choice and Social Justice*, Harry Brighouse highlights this problem as one of the most difficult aspects of a theory of educational equality. As we shall see, Brighouse's conceptualisation of educational equality provides the basis and the inspiration for my thesis. See Brighouse, 2000: 131-134. See also Brighouse, 2001: 25.

conditions. Here complexities are related to the theoretical frameworks underpinning the debate in special and inclusive education and are mainly referred to the aims, provision and funding of education for disabled children and children with special educational needs. Furthermore, the same definitions of special and inclusive education stand in need of clarification, as they are connected to historical, political, social and educational contexts, which are themselves sources of debate and contrasting positions. Finally, the conceptualisation of disabilities and learning difficulties is in itself a complex and contested issue. The second difficulty, therefore, refers to theoretical problems in their operationalisation in educational contexts.

Clarifying educational equality in relation to the case of special and inclusive education requires a principled perspective. Central to my project, therefore, is the development of a principled framework for a just distribution of educational resources to disabled children and children with special educational needs. This thesis works towards specifying elements of a critical theory that, primarily, morally adjudicates what disabled learners are entitled to, in terms of educational opportunities and resources, and the moral reasons that justify that entitlement. In doing so, the principled framework I develop provides not only the theoretical foundations for a fair distribution of resources, but also more policy-oriented guidance to that aim, in that it sets out a theoretical groundwork upon which to evaluate the fairness of current models of distribution and the design of policies that are more just.

In what follows I shall outline the theoretical and normative framework underpinning the design of my research, whilst contextualising some of the difficulties of the task at hand. As we shall see, the concepts of functionings and capability are fundamental to a new conceptualisation of disability and special educational needs and to their evaluation within a framework of justice.

## **1.1 Problems of Distributive Justice: Resource Distribution, Educational Equality and Special and Inclusive Education**

Problems of resource distribution are central to the design of educational policies and to their enactment for the achievement of educational aims. However, the

fairness of resource distribution and the understanding of educational equality relate to normative and principled positions, which are the primary subject of analysis of liberal egalitarian perspectives in contemporary political philosophy. Although differing on the exact understanding of the kind of equality that institutional arrangements should seek to achieve, egalitarian perspectives present and articulate the meaning(s) of fairness and the content(s) of resources within theories of justice. Likewise, a conceptualisation of educational equality should provide an understanding of the meaning of a just distribution and the content of resources, and justify the concepts adopted in relation to a more general theory of social justice. In this task, the analysis of the concept of educational equality draws on the concepts and on the clarifying methods of enquiry of political philosophy.

In his monograph *School Choice and Social Justice* (2000), Harry Brighouse presents an important and influential perspective on educational equality, which draws on a specific liberal egalitarian theory of justice. Brighouse conceptualises educational equality in terms of a just distribution of resources and specifies it through principles of social justice in education. This position constitutes the theoretical and normative standpoint for my research questions. Although my perspective departs substantially from Brighouse's (more on this later on), the important questions raised and left unexplored by his theory provide the groundwork for the framework I develop in this thesis. In what follows I shall briefly outline Brighouse's position and at the same time progressively unfold the genesis of my research problem.

Brighouse maintains that supporting equality in education implies two general concerns: first, children should not have significant advantages in education due to family circumstances, such as wealth and social position. Secondly, children should not have significant advantages in terms of better education because of their natural talents or abilities (2000:112). These two concerns refer to a common egalitarian position on the compensation for inequalities in social and natural assets, which is applied here to the context of education. This position immediately rules out the possibility of interpreting a just resource distribution in education as the distribution of equal educational resources. If the latter understanding were applied, it would lead to unfairness to all the children with abilities not met by that specific resource distribution. Providing all children with equal literacy resources, to mention a common case, would intuitively be unfair to dyslexic children, as well as providing the same resources to every child could prove evidently unfair for example in the

case of children with hearing impairment or visual impairment, since, quite probably, they would require respectively signing interpretation or Braille resources.

Consequently, Brighouse argues that educational equality, in taking into account those two concerns, should be based on two principles. First, that no one should be advantaged or disadvantaged because of the personal, social and economical circumstances they were born in (2000: 112). Second, resources should be allocated and used effectively, and therefore allowing that more resources should be devoted to children with disabilities (2000:138-139). Note here that, while playing a fundamental role in egalitarian theories in general, the question of resource distribution is fundamental to educational equality as well. This is reflected in Brighouse's position, when he argues,

A full and principled account of educational equality would say something about how much more must be devoted to children with disabilities than to ordinarily-abled children. (...) The account must also be able to guide the distribution of resources among more or less able children within the ordinarily-abled group. If the same resources should be devoted, the account needs to explain why, and why such differences do not merit the same responses as the differences between the ordinarily-abled and disabled. If, on the other hand, differential resources should be devoted, this needs to be explained (2000: 138).

According to Brighouse, therefore, educational equality entails a differential distribution of resources to children with different abilities on grounds of fairness. But his analysis goes further in that it sets the requirement of specifying exactly what the differential distribution should amount to and of justifying the reasons behind the differential amount of resources. Moreover, his analysis gives a full account of how to understand resources in this context. In providing his principles of educational equality, Brighouse draws on a conception of justice in terms of fairness, and understands resources in the wider context of educational opportunities. This implies considering educational equality as interrelated to the two functions of education for the individual: namely, providing competitive advantages in economies, which distribute benefits and burdens unequally, and providing fulfilling life experiences (Brighouse, 2000: 122-123). Educational equality, ultimately, is inscribed in a theory that considers equality in terms of equality of opportunities and fair distribution of resources as fundamental elements of justice<sup>2</sup>.

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<sup>2</sup> These concepts and assumptions will be fully addressed throughout my thesis, and in particular in chapters 5 and 7.

This position constitutes not only a relevant and precise understanding of educational equality, but also the normative and theoretical position from which my thesis originates. My thesis is developed from an in-depth analysis of the principle of differential distribution of resources as an element of educational equality, in the strong sense of equality of opportunity, and expands to considerations of justice for disabled children and children with special educational needs. More specifically, starting from Brighouse's principles of educational equality, my thesis extends beyond his perspective in three main areas. First, while analysing the sociological and educational debate on the definition of disability and special educational needs, I work towards a philosophical framework within which to conceptualise impairment, disability and special needs in the context of education, a point not explored by Brighouse. Secondly, I reconsider the understanding of educational equality in the 'equality of what' debate<sup>3</sup> and extend its meaning to include concepts of functionings and capabilities (more on this later on). These, I maintain, are concepts more effective to a full consideration of justice for disabled children and children with special educational needs, and ultimately, lead to a possible extension of the concept of justice informing Brighouse's theory. Finally, I provide a framework for the operationalisation of educational equality, which is specifically aimed at answering the question of how to conceptualise educational equality between children with different levels of ability, and how to think of exactly what and how much should be distributed, a question posed but not answered by Brighouse (2002: 25).

Ultimately, my research question consists in three main arguments. Firstly, I argue that a full and principled account of educational equality should necessarily be based on clear understandings and on possibly coherent definitions of the elements involved. This implies reconsidering current contrasting definitions of learning differences and differential abilities, and evaluating what constitutes disability and special educational needs in the context of education. Secondly, I argue that how we define disabilities and special educational needs is fundamentally important, in that the assumptions involved will influence the ways in which we understand the question of special or differential provision in education. More concretely, the set of definitions applied will influence, if not completely determine, the model of distribution of resources implemented to meet the defined different requirements. To illustrate this point in a very simple way, we can say that it will make a difference to

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3 Sen, 1992:13-30. This aspect will be addressed in chapters 5, 6 and 7.

the model of resource distribution if differential abilities were defined in terms of special needs or in terms of difference, understood as individual differences, and more so if differential abilities were classified according to medical categories, or indeed including social factors such as poverty or social deprivation. Evidently, in the case of definitions provided in medical terms, the differential distribution of resources would consider only specific medical diagnoses, whereas in the last case the distribution of resources would be extended to non-medical situations and would imply social considerations, thus reaching a different and probably wider number of children. Thirdly, I argue that a further and fundamental facet of educational equality for disabled learners requires considerations of the provision of education for these students. If we endorse equality as distributive ideal and consider education in view of the future opportunities it yields for the individual, such as future access to careers and fulfilling life experiences, then specifying exactly what is owed to disabled learners in terms of educational opportunities and resources is a central matter of justice.

In conclusion, the argument I develop in this study proceeds from the concept of educational equality as fundamental for a just society and analyses its understanding as distributive ideal in the case of children with different levels of ability. In particular, I argue that, for educational equality to be conceptualised in the case of disabled children and children with special educational needs, a principled framework is fundamental. This normative framework consists in two interrelated levels, a theoretical level, concerned with definitions and conceptualisations of disability and special educational needs, and a level of provision, which specifies the distributional aspect of equality in education. I further suggest that the framework within which to redefine fair distribution of resources and disability and special needs in education draws on perspectives developed in political philosophy, thus implying the adoption of philosophical methods in education. Having set the framework of the problem, which constitutes the central question of my study, I shall now address the issue of defining abilities and disabilities in the context of education

## **1.2 Problems of Definitions: Impairment, Disability or Special Educational Needs?**

Definitions of abilities and disabilities are fundamental to a principled framework for educational equality in the case of children with differential abilities, since how we



identify children requiring differential resources and the concepts used to describe their learning characteristics have wide implications on the principles of distribution. However, prior to the analysis of the concepts currently adopted, and to illustrating why they do not seem to respond coherently to the demands of justice in education for disabled learners, I shall briefly address three general considerations. The first draws on sociological views on the use of categories in education, thus acknowledging the problem suggested by some sociologists of a 'labelling use' of concepts, which is detrimental to the individual child, her development as autonomous and free person and her sense of self-esteem. The second consideration refers to the 'sediment' meaning that certain definitions imply, as different categories adopted in education have come to assume meanings linked to oppressive practices and discrimination. The final comment refers to the necessity of adopting politically correct language in order, not only to acknowledge the claims of due respect, but also to allow for new meanings to take over from those perceived as oppressive and offensive. Let us address these issues in more detail.

Many authors<sup>4</sup> have drawn attention to the limits of using any category in general in education, but specifically categories of special educational needs, disability and disadvantage. Definitions such as 'special educational needs', 'learning difficulties' or 'learning disability', while mainly introduced to describe situations, can and indeed are also used to 'label' and produce 'negative stereotypes' (Wilson, 2000: 817). Moreover, in education, probably more than in other contexts, the use of categories to describe situations varies considerably over time, and reflects specifically a particular theory or view behind it. In this sense, for instance, the whole terminology applied to describe what is currently referred to as 'learning difficulty' has changed to a great extent in the last century, from the use of terms like 'idiot', 'mental retardation' or 'educational sub-normality', to current definitions such as 'multiple' or 'specific learning difficulties'. Some authors point out how the 'labelling' use of these categories implies a 'bad-mouthing process', whereby the categories of learning disability in use in the past become the insults of the present (Corbett, 1996 and also Tomlinson, 1982). Trying to overcome this issue by simply not using categories at all, however, does not seem to be an acceptable solution. The absence of categories altogether presents difficulties that, although of a

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<sup>4</sup> The literature on the labelling use of categories in education is extremely wide and mainly developed by sociologists of education. See, for instance, Barton, 1993, 2000; Corbett, 1996; Riddell, 1996; Tomlinson, 1982. For a more philosophical position, see Wilson, (2000). This aspect of the debate is discussed in chapters 2, 3 and 4, where I also provide more precise references.

different nature, do yield the unwanted consequence of not allowing for the differential requirements for children with learning difficulties to be identified, described and provided for. How could we provide additional educational resources to children, without having any means of identifying who should benefit from it? True, we could still identify the 'recipient' of our additional resources by means of descriptions without any synthesis in terms of definitions, but this also presents some considerable shortcomings, at least in practical terms. This problem constitutes one of the theoretical and moral dilemmas characterising the debate in special and inclusive education, which I shall present and discuss in my thesis.

Nevertheless, acknowledging these views in my study leads to the adoption of definitions and distinctions, which are those proposed by disabled peoples' movements and scholars. Since disabled people have expressed through their political movements their request of using terms such as 'disabled people' or 'impaired people' as well as 'disabled child' as preferred expressions, then their use is adopted here, in the hope, of course, that labelling process could be avoided. This, furthermore, implies also listening to the voices and the claims of the persons involved in the definitional 'riddle', thus including their positions and understanding as well. However, the theoretical necessity of referring to current policy and practice in special and inclusive education, as well as to government's documents, requires also the introduction of the concept of 'special educational needs', widely adopted in the relevant literature. Consequently, throughout my research I shall refer to 'disabled children' and 'children with special educational needs' as well as to 'disabled learners', with full awareness of the limits and the contingent and problematic meanings they subsume.

However, there is a second facet to the conceptualisation of impairment, disability and special educational needs. Let us now return, therefore, to the theoretical dimension of defining these terms in education. Current models of definitions mainly reflect two situations. The first relates to definitions and statement processes in government policies and documents, as well as in the school practice, which broadly refer to medical and psychological classifications of disability and special educational needs. The second situation relates to the definitions proposed by disabled people's movements and drawing on their model of disability, which mainly promotes the use of concepts of impairment and disability and strongly opposes any concept of special needs. Each of these models subsumes and refers, in turn, to a theory and understanding of the situation described and defined.

Educational policies, for instance, are broadly based on medical categories and classifications of disabilities in terms of individual deficit, like 'autistic spectrum disorder' or 'mental handicap' or 'speech disability', with the addition of consideration for elements of social disadvantage or individual 'gift' in some countries (OECD, 1995, 2000). As I shall outline further on in this chapter and in more detail in chapter 2, however, this system of classification is one of the elements that gives rise to profound inequalities in the educational provision for disabled children, not only among countries but also within the same country. On the other hand, the conceptualisations proposed by the social model of disability, the model linked with the political and theoretical work of disabled scholars, in challenging the pathologising approach of medical definitions, and in suggesting the use of categories of normality as ideological and oppressive, support a view that locates the difficulty on society and institutions. Yet this model, in its rejection of any use of categories as source of oppression and in delineating disability as pertaining to society, presents unspecified and to a certain extent flawed conceptions, which, I argue in chapter 3, are not conducive to the very aim of inclusion and equal entitlement advocated by disabled people's movements. Consequently, I contend that none of the models of disability or indeed special educational needs available is apt to the promotion of equality, either socially or educationally, and that a re-consideration of the whole understanding of disability and of learning difficulties constitutes a necessary part of a theory of educational equality.

A final point refers to the meaning of special and inclusive education. Here again, these expressions reveal both the historical and the present situation of education for children with special needs. On the one hand, the term 'special education' was adopted when special segregated institutions for disabled children were introduced at the beginning of last century (Tomlinson, 1982, Clough, 1998, Armstrong 1999). As special schools are still providing for children in some educational systems, the use of this term mainly acknowledges this situation, as well as the substantive and important debate on the specific, somehow 'special' requirements of educating disabled children and children with special educational needs. The use of 'inclusive education', on the other hand, is more complex and, although its meaning will be addressed later in this study in chapters 2 and 4, it is worth pointing out here that it refers primarily to a wide concept supporting the full inclusion in mainstream education of disabled children and children with special educational needs (UNESCO, 1994, OECD, 1999, 2000, Lindsay, 2003, Armstrong F. & Armstrong &

Barton 2000). Here again, as some educational systems are indeed progressing towards full inclusion and other are introducing mainstream provision for disabled learners, the use of inclusive education implies reference to this situation.

### **1.3 The Theoretical Framework: Liberal Egalitarianism and Differential Abilities**

Inscribed within the principles of liberal egalitarianism, my thesis engages with the debate on equality and, in particular, with the 'equality of what?' question. It argues that a specific perspective within this debate, the capability approach, developed by Amartya Sen and further articulated by Martha Nussbaum, provides the theoretical context not only for re-examining and re-conceptualising impairment, disability and special needs, but also for reconsidering the broader demands of equality and, therefore, educational equality for disabled learners. My thesis presents therefore an operationalisation of the capability approach in education, and shows how this approach provides the theoretical and normative groundwork for the principled framework for a just distribution of educational opportunities, fundamental to educational equality for disabled learners. This section introduces aspects of the liberal egalitarian debate on equality and social justice, whilst outlining the problems posed by differential abilities and disabilities to liberal theories and concepts. It further highlights why the capability approach provides a valuable and innovative answers to these questions. First, on the importance of the egalitarian concern for equality.

There are many reasons for supporting egalitarianism. According to Dworkin, equality is a valuable political ideal and its virtues reside on two main points: it is intrinsically good and instrumentally necessary as a precondition of political legitimacy. 'Equality matters' – says Dworkin – 'because no government is legitimate that does not show equal concern for the fate of all those citizens over whom it claims dominion and from whom it claims allegiance. Equal concern is the sovereign virtue of political community.' (Dworkin, 2000:1.)

Equal concern for each and every individual is the liberal principle invoked by egalitarians as the one that should inform the design of social and institutional arrangements. Liberalism, moreover, is 'primarily concerned with the freedom and autonomy of individuals' (Swift, 2001: 137) and its core principle is the idea that

individuals should be free to choose for themselves what conception of the good life to endorse and what kind of life to live. The freedom and autonomy of each individual, however, is not understood in terms of egoistic pursuit of personal interest above and beyond the interest of all the others. As specified by Dworkin, equal concern for each individual means exactly that each individual matters equally. Therefore, self-interest, according to liberals, can only be pursued within the moral boundaries that others have to be treated justly and that the state can enforce regulations and limits to enact this commitment to equal concern (Swift, 2001: 138). Liberal egalitarian theories, however, are often criticised for being based on an abstract notion of the individual and, more specifically, of rational individuality. At least at a superficial level, therefore, they seem to score badly when confronted with the problems posed by those individuals who do not fall into their abstract model.

In Dworkin's liberal egalitarian theory of justice, for instance, the ideal of equality as equal concern hinges on two principles: the principle of equal importance and the principle of special responsibility. The first principle states that it matters – and it matters objectively – whether a human life succeeds or fails. Whereas the second principle establishes that everyone has a concern for each and every life to be successful, but each individual has a special responsibility for that success, and that is the person whose life it is. The two principles of equal importance and special responsibility, and, specifically, the latter, condemn deep paternalism while setting themselves against the claim that communities know better than the individual on the matter of what is the valuable life. The problem with the concept of equality as equal concern arises in connection with the principle of special responsibility: how can a severely mentally disabled person be held accountable to the special responsibility claimed by the second principle? Moreover, how can we avoid falling back into deep paternalism, when trying to provide for severely disabled people? Furthermore, is the concept of rationality we are applying in our liberal model apt to consider severely or mentally disabled people? Certainly no liberal theory would allow us to neglect or overlook these problems, as we would infringe the very principle of equal concern. Yet any possible answer to these problems seems to make us question our liberal framework at its own foundations.

John Rawls's theory of justice is one of the leading examples of liberal egalitarian theories of justice (Brighouse, 2001: 537). Rawls provides us with an index of comparable social primary goods to measure our well-being: liberties, opportunities,

powers and prerogatives of office, and income and wealth. According to Rawls, people's relative positions have to be evaluated in the space of these social primary goods. His theory of justice consists in two principles: the Liberty Principle, which guarantees a set of basic liberties equally to all, and the Difference Principle, which stipulates that opportunities must be equally distributed and that inequalities of income and wealth are to benefit the least advantaged members in society (Rawls, 2001: 42-43). Within these two principles, Rawls defines fair equality of opportunity by stating,

Suppose that there is a distribution of native endowments, those who have the same level of talent and ability and the same willingness to use them should have the same prospects of success regardless of their social class of origin (Rawls, 2001: 44).

Rawls's theory has often been critiqued for not allowing in considerations for disabled people. In particular, by comparing people's well-being on the basis of primary goods, therefore ultimately on the shares of resources they hold, the Rawlsian model fundamentally neglects the crucial heterogeneity of human beings (Nussbaum, 2000: 68) and therefore excludes all those not meeting his model of rational and fully cooperating members of society. Yet Rawls openly formulated his theory aiming at covering the 'fundamental case', thus leaving any possible extension to further developments. He maintains,

Our aim is to ascertain the conception of justice most appropriate for a democratic society in which citizens conceive of themselves in a certain way. So let us add that all citizens are fully cooperating members of society over the course of a complete life. This means that everyone has sufficient intellectual powers to play a normal part in society, and no one suffers from unusual needs that are especially difficult to fulfil, for example unusual and costly medical requirements (Rawls, 1980: 545-546).

Rawls did not proceed to provide an extension of his theory and to reflect on the position of disabled people in his conception of justice. His position, therefore, does not seem to constitute the best framework within which to reconsider justice for disabled people and people with special educational needs.

I maintain that the capability approach, as developed by Amartya Sen, although not specifically formulated within a concern for justice for disabled people, can respond to my demands of re-examining and re-defining disability and impairment, whilst at the same time inscribing this theoretical dimension in a normative framework for equality and, ultimately, justice. Let us see some elements of this approach.

Sen originally thought of his capabilities approach as a feasible answer to the fundamental question of 'equality of what?' (Sen, 1992.) Although Sen's position departs in many relevant ways from Rawls's, the capability approach, in critically referring to Rawls's primary goods while re-setting the terms of the problems within a concept of capabilities, shows its indebtedness to Rawls's theory of justice<sup>5</sup>. Sen argues that, given the fundamental centrality of human diversity, equality and social arrangements should be evaluated in the space of capabilities, that is, in the space of the real freedoms people have to achieve valued functionings. It maintains that rather than the means to freedom, what is fundamental in assessing equality is the extent of people's freedom to choose among valuable functionings. Functionings are the beings and doings valued by individuals and constitutive of their own well-being. Walking, reading, being well nourished, being educated, having self respect or acting in one's political capacity are all examples of functionings. Capabilities are the real opportunities and freedoms people have to achieve these valued functionings. Capabilities are therefore potential functionings or, as Sen's says, they are

various combinations of functionings (beings and doings) that the person can achieve. Capability is, thus, a set of vectors of functionings, reflecting the person's freedom to lead one type of life or another ... to choose from possible livings (1992: 40).

Sen provides a useful example to understand the distinction between functionings and capability by illustrating the situation of a starving person compared to that of someone fasting (Sen, 1992: 111). Clearly the person starving is deprived of the capability to choose whether to eat or fast, whereas the person who fasts retains her freedom to choose, hence she has the relevant capability. For the capability approach what is fundamental in the assessment of equality is 'what people are actually able to be and to do' (Nussbaum, 2000:40), hence the sets of capabilities available to them, rather than the sets of achieved functionings they can enjoy at any given time. The focus of the capability approach is therefore on the real effective freedoms people have and on their choice among possible bundles of functionings. This allows for the pursuit of people's individual well-being and the making of their life-planning through individual choices (Robeyns, 2003).

I maintain that it is in the space of the capability approach as provided by Sen that a re-conceptualisation of impairment and disability can find a valuable theoretical and normative dimension. The capability approach, in placing human heterogeneity as

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<sup>5</sup> See Sen, 1992: 8-9 and chapters 5 and 9.

central to considerations of justice and equality, and in evaluating people's reciprocal positions in the space of the real freedoms they have to achieve valuable aims, allows for a re-examination of impairment, disability and special educational needs within a perspective of equality and justice.

The theoretical framework outlined here constitutes the philosophical underpinning of my study, which I develop throughout the thesis, while connecting principles and concepts of political philosophy to concepts and problems in education. Before describing in more detail the structure of my work, however, it is worth addressing briefly why we should care about the problem I am setting out to explore and, hopefully, to clarify in this work.

#### **1.4 Distributive Justice, Differential Abilities and Inclusion: Why Care?**

There are reasons at three levels, all interrelated, for caring about the problem of a just distribution of resources in the education of children with different abilities. Primarily, there is an inescapable moral reason, which refers to the concerns I described throughout these introductory notes, for justice and equality to be conceptualised in ways that allow full consideration for the moral worth of all individuals. Secondly, there is a theoretical reason, in that theories, and the principles underpinning them, ought to be right or, at least, as approximating as much as possible the level of rightness we are able to formulate. Not only this, but also in developing a principled framework, concepts are analysed and clarified, and thus improved in terms of theoretical cohesion. The final reason is connected to the relation between theory and practice, in that clarity at theoretical and philosophical level would help in informing decision-making on resource distribution at policy level (Evans, 2001: 255). It is recognised that the relation between philosophical argumentation and practical realisation is not straightforward, but presents various tensions deriving primarily from some of the non-instrumental aspects of philosophical investigations and the more practice oriented nature of policy making (McLaughlin, 2000). However, the design of policy should considerably improve when the theoretical principles underpinning it are clear and coherent; therefore providing these principles is one of the roles of educational research. Two examples can illustrate better why this study addresses important problems.



Recent reforms in the education systems of several countries, including the UK, US, Australia and New Zealand, have introduced more managerial responsibilities to schools while decentralising budgetary decisions. This restructuring of schooling systems has had different results, but what is important here are its effects on resource distribution and the fairness of funding processes. Let us consider the case of England and Wales<sup>6</sup>.

In England and Wales, budget delegation to schools has been implemented together with a system, which maintains part of the funding to the LEAs (Local Education Authorities). Different studies<sup>7</sup> have pointed out how, in the case of special and inclusive education, school reforms based on the 1981 Education Act and the following 1988 Education Reform Act, produced not only unworkable definitions of special needs in education, but also complex systems of funding whose results entail very different practices. According to Evans et al., for instance, the system of funding for special educational needs following the 1988 Act 'has set up a dichotomy which leads to a wide range of practice across England and Wales' (Evans et al., 2001: 2). As a consequence of these reforms, there are huge variations in the number of pupils designated as having special educational needs by different LEAs, and even more widespread differences in the allocation of resources for special and inclusive education across the country (Evans et al, 2000: 13).

In the US the emphasis is more on issues of parental choice of schools and eligibility to mainstream education for children with special needs in relation to funding systems. According to some studies (Rothstein, 1999, Parrish et al, 1999) the challenges of implementing school choice while at the same time fulfilling the legal mandate for the education of disabled students, has resulted in extreme variations in the provision for disabled children from state to state and within the same state, thus giving way to inconsistent practices and to an upsurge in legal procedures by parents of disabled children (Rothstein, 1999: 355-356).

These two examples indicate that current policies and systems of funding result in wide differences in resource distribution within the same country and, as in the case of the US, between states and within states, and suggest that differences are linked to widespread inequitable conditions in the provision and funding of special and

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<sup>6</sup> These examples will be fully analysed in chapter 2.

<sup>7</sup> Evans and Lunt, 1994; Lunt and Evans, 1994; Marsh, 1998; Vincent et al. 1994.

inclusive education. Ultimately, therefore, beyond all the considerations outlined earlier on, these findings are strongly supporting the reasons behind of my study.

### **1.5 Educational Equality and Philosophy of Education – Rationale of the Study**

This thesis is a work in philosophy of education. In connecting political philosophy to education policies, it outlines a theoretical ground where the normative aspect of political philosophy meets the normative, yet more practice oriented aspect of education policy. Thus this thesis proposes a possible understanding of the nature of philosophy of education through its deployment in addressing a particular problem. It can therefore be read at the level of an exercise in a specific perspective in philosophy of education.

In exploring the ideal of educational equality, my research draws valuable connections between political philosophy and educational theories, thus showing how the debate in philosophy can contribute to educational understanding and vice-versa. Not only, but while educational theories are enhanced by the clarifying process of philosophical analysis, philosophical reflection is conversely enriched by the valuable input of the empirical and more practice based part of education itself. Ultimately, in exploring what educational equality means, we not only clarify its meaning(s), but also think of how to operationalise it, thus considering the various elements, many of empirical nature, which can promote or obstruct its accomplishment as an educational aim. This point highlights the connection between theory and practice and underlines its relevance to philosophical studies in education.

Further, the methodology I adopt in this study draws on the standard process in analytical political philosophy and applies the Rawlsian notion of 'reflective equilibrium' to educational theory and policy. Reflective equilibrium consists in presenting the arguments for a theoretical position, testing them against our moral intuitions, and subsequently adjudicating the conflicts between principles and intuitions when they arise. For example, among our moral intuitions might be the judgement that inequality in education due to family circumstances or to individual abilities or disabilities are wrong. We then see how the various conceptions we examine respond to that intuition, and we may support the capability approach as

the perspective that best responds to that intuition. We then move towards an argument, which shows consistency and accommodates our judgements, and those of other citizens, in a shared consensus on political grounds.

Having outlined the nature of my research and its method, I now proceed to present the rationale of the study.

In this chapter I have set out the theoretical and normative framework of my research and its guiding questions. Chapter 2 addresses current policies in special needs education and the dilemmas at the core of the debate in this area. While relating disability issues to policy settings, it considers the international scene and the national systems of schooling in the UK and US. It shows how the absence of a principled framework in the educational theory and provision for disabled children and children with special educational needs leads to a variety of policies and practices, whose main similarity resides in pervasive and widespread inequitable conditions.

Chapter 3 critically engages from a philosophical position with the social model of disability, which is very influential in political as well as educational settings. It shows the theoretical limits of the social model in providing proper grounding for its own claims of equal entitlement and consideration for disabled people.

Chapter 4 critically presents educational perspectives applying the social model of disability and shows that the limits inscribed in the social model are reproduced in education. The upshot of my discussion is that, as in the case of the social model, educational positions operate in the absence of a principled framework, thus hindering the achievement of their own aims of equal entitlement in education for disabled children. These chapters highlight the compelling need of a principled framework informing both conceptualisations of disability and special educational needs as well as the provision of education for disabled learners.

Chapter 5 introduces the capability approach as an important and innovative perspective within which to re-examine and re-conceptualise impairment and disability. It suggests that the specific understanding of human diversity proposed by the approach, as well as the democratic decisional process promoted and the normative dimension entailed, are all fundamental elements for informing the principled framework I develop.

Chapter 6 applies the capability perspective on disability to the context of education, and presents a conceptualisation and evaluation of disability and special educational needs in terms of functionings and capabilities. The chapter furthermore discusses and counter-argues two critiques to the framework proposed and outlines the theoretical reach of the approach, which has the potential to take the debate on differences and disabilities in learning beyond the concept of needs and, in particular, special educational needs.

Chapter 7 explores the normative dimension of the principled framework I develop, and addresses the difficult question of what constitutes educational equality for disabled children and children with special educational needs. Furthermore, it outlines elements of a just distribution of resources to these children and suggests a possible understanding of an educational entitlement.

Chapter 8 presents and counter-argues three possible objections to the conceptualisation of educational equality as equal effective opportunities for fundamental educational capabilities and reinstates the validity and feasibility of the principled framework proposed in my work.

Finally, chapter 9 summarizes the main elements of the framework suggested in this thesis and proposes themes and questions for further analysis and research.

## Chapter 2

### Special and Inclusive Education: Incoherence in Practice and Dilemmas in Theory

This chapter is an account of current policies in special and inclusive education and the relevant debate in this area. Whilst mainly referring to the schooling systems of the United Kingdom, with a specific focus on England and Wales<sup>8</sup>, and the United States, it also makes reference to more general developments in the international scene. The chapter critically outlines the educational provision for disabled students and students with special educational needs. It shows that such a provision presents a variety of policies and practices, whose main similarity resides in pervasive and widespread inequitable conditions. This situation, further aggravated by the tensions and dilemmas at the core of special and inclusive education, relates primarily and substantially to the absence of a principled framework in terms of definitions and provision, which could guide the design of more just policies.

#### Introduction

The educational provision for disabled children and children with special educational needs is a key area not just for those involved in it, students, parents and professionals, but also for all those interested in the field of education more broadly conceived, as well as for society as a whole (Riddell, 2002:1). Considering the provision for these students, and the related debates on how to characterize their educational interests, implies addressing two interrelated levels of analysis: the level of policy and practice in special and inclusive education, and the level of the theoretical frameworks and 'models' informing this field.

At the first level, the current provision for disabled students and students with special educational needs is mainly characterised by systems of schooling which involve the coexistence of special institutions, specialised additional provision in mainstream settings and more inclusive schools. For instance, in England and

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<sup>8</sup> The United Kingdom consists in four separate but interconnected countries: England, Wales, Northern Ireland and Scotland. Whilst England and Wales share almost the same educational policy, Northern Ireland and Scotland have distinct arrangements.

Wales the educational system is organised in special schools operating alongside the inclusion of disabled students and students with special educational needs into mainstream education, 'wherever possible' (Lunt, 2002: 38). Similarly, in the United States provision is organised in a continuum from full inclusive schools to special ones, on the basis of the principle of the Least Restricted Environment (LRE) set out in the 1997 Individual with Disabilities Education Act (IDEA). Likewise, provision within the European Union varies considerably according to the features outlined above. In some countries, such as, among others, Iceland, Sweden, Italy or Spain, policies are geared towards the inclusion of almost all students within mainstream schooling. In other countries, for instance France, Denmark, Austria, Finland and Slovenia, provision encompasses inclusion in mainstream schools alongside special ones. Only a few countries, like Belgium, still present completely separate settings organised in special and mainstream ones (Meijer, Soriano and Watkins, 2003).

The picture emerging from this brief overview reveals some current important tendencies in the provision of special needs education. Firstly, it highlights that 'inclusive education is now firmly established as the main policy imperative with respect to children who have special educational needs or disabilities' (Lindsay, 2003: 3). Secondly, it shows that the movement towards the inclusion of all students in mainstream schools, whilst being widespread, is nevertheless at different stages in different countries. Finally, and importantly, it points out how the provision for these students encompasses different settings, from special to more inclusive ones. This leads to a complex and heterogeneous situation, which sees a variety of differently articulated policies and practices within the same country and among different countries.

A fundamental element of the policies informing these different systems of provision is the set of definitions and classifications of disabilities and special educational needs they adopt. Here again, there are widespread variations. For instance, in England and Wales, following the recommendations of the 1978 Warnock Report (DES), definitions of disability have been abolished, and policies and official acts refer to the notion of 'special educational needs'. More recently, however, references to medical and psychological notions have been reintroduced as a necessary specification of this broader concept (DFE, Code of Practice, 2001). Conversely, policies in the United States adopt 11 categories of disabilities, mainly relating to medical and psychological notions, such as, for example, 'visual impairment' or 'mental retardation'. The situation is similarly differentiated in the

European Union, with countries adopting various systems of classifications, from medical and psychological definitions, to broader ones, including reference to health and social factors, such as chronic illness or immigration (OECD, 2000).

If consistent variations characterise the level of provision, the theoretical level presents tensions, and different and often contrasting positions on how to respond to the educational demands of children with special educational needs. The debate in special and inclusive education presents wide arrays of theoretical perspectives, which are seen by scholars in the field as reflecting the problematic and complex nature of the issues involved. Brahm Norwich, among others, has outlined the inherent tensions and the dilemma at play when trying to characterise the educational interests of disabled children and children with special educational needs (Norwich, 2002). In his view, these tensions are expressed by

the issue of whether we talk about special or inclusive education. Do we assume that there is something additional or different about special education compared to mainstream or general education? Or do we assume that the mainstream education is to be extended and enhanced to accommodate or include the diversity of learners? Is reference to anything additional or different a form of discrimination? Or does talk about inclusive education just perpetuate the apartness of special provision which critics have identified in reference to special educational needs? (2002: 482-3)

Addressing these issues implies not only reference to current theoretical models in the field, but also recognising and analysing the 'dilemma of difference'. According to Norwich, dilemmas are inherent to the conceptualisation of differences in education and are related to the possible negative connotation of concepts of disability and special needs. In this sense, dilemmas arise between, on the one hand, identifying differences connected to disability and special educational needs in order to establish an appropriate educational provision, but with the possibility of attributing negative connotations to differences. Or, on the other hand, emphasising what is common among children, with the risk of not responding to the educational interests of some of them (Norwich, 2002: 495).

In this chapter I outline the current situation in the educational provision for disabled children and children with special educational needs, with respect to policies in England and Wales and the United States, and, to a lesser extent, to developments in the international scene. I furthermore relate issues of provision to theoretical debates and frameworks in the field of special and inclusive education. My aim is to show that the situation at the level of provision leads to inequitable widespread

conditions. This can be related to the tensions and the dilemma at the core of special and inclusive education and referred primarily and substantially to the absence of a principled framework informing this field. More specifically, my main claim is that the current incoherent and inequitable provision of education for disabled children and children with special educational needs stems from the absence of a framework, both in terms of definitions and provision, guiding and informing educational policies and, in particular, the distribution of educational resources and opportunities to these students in a just way.

Whilst this analysis does not constitute an attempt to make a specific comparative study between the United Kingdom and the United States, or indeed among these and other countries, I maintain that referring to policies and practices of these two countries is useful, since it provides wider perspectives and broader insights on the issues at stake. Moreover, recent studies have emphasised how, in education, ‘the two countries [the UK and the US] have influenced each other’s reforms, and yet their individual policies and practices vary enough to provide interesting contrasts’, whilst, at the same time, exerting a considerable influence on other countries, too (McLaughlin and Rouse, 2000: 1).

The chapter is organised in three sections. The first explores the wide variations in the provision of special and inclusive education, in light of recent developments and with reference to legislation and policy issues. The second section analyses current policies for the funding of special and inclusive education and outlines the profound inequalities resulting from the implementation of these policies. Finally, the third part outlines the main terms of dilemmas of difference, and addresses some conceptual tensions inherent to current perspectives in the field.

## **2.1 Variations in Provision: Special, Integrated and Inclusive Education**

In this section I outline the wide variations characterising the educational provision for disabled children and children with special educational needs in most Western countries. As these variations can be seen as a result of recent developments in special and inclusive education, I first present these changes with specific reference to legislation and policy documents. In particular, I trace the move from segregation, through integration to inclusion in education, whilst drawing parallels with the international and national situation at the level of resolutions and governmental



documents. Finally, I analyse the main current developments of policy towards inclusion within England and Wales and in the US, and outline the correlated variations in provision.

In most Western countries the last three decades have been characterised by substantive developments in the provision of education for disabled children and children with special educational needs, and by parallel theoretical debates about the aims, practice and location of special education (e.g. Dyson and Millward, 1994, Rouse and Florian, 1997, Ainscow, 1999). As Hegarty notices, 'in 30 years we have moved from a segregation paradigm, through integration to inclusion' (2001: 243).

The historical legacy of separate special schools – a feature common to developed and developing countries, which refers to an initial provision, often organised by religious or philanthropic bodies, and subsequently expanded by national systems of public education (Ainscow, 1999: 180-181) – has gradually been challenged by different approaches. More specifically, perspectives based on human rights have questioned the practice of segregated institutions and expressed moral concerns for the placement of children in special schools. At the same time, arguments in the field of special education have voiced concerns for the effectiveness of segregated provision. This has led to a move that has involved the whole of the Western countries and, although to a different extent, also developing countries. The move has progressively shifted provision from segregated institutions towards more 'integrated' settings, thus towards educating disabled children and children with special needs within mainstream schools. (Pijl and Meijer, 1994: xi, Ainscow, 1999:181).

In their study of integration in six countries conducted at the beginning of the 1990's, Pijl and Meijer define integration as 'a collective noun for all attempts to avoid the segregated and isolated education of students with special needs', and furthermore specify integration as 'conceived in terms of the organisational structure and in terms of the nature of integration' (1994: 4). According to their study, integration can be characterised along three parameters. The first refers to the actual 'place' of education, its 'location', which, for students with special needs, could be either in special classes or units within mainstream schools, or in mainstream classes with additional provision. The second parameter relates to elements of social interactions, in terms of the possibility of social contacts between children. Finally, the third refers to curricular elements, and is defined by the use of the same broad

curricular frameworks for the education of all children (1994: 6). The results of Pijl and Meijer's study demonstrate that integrated provision has taken many different forms and has led to substantially diverse outcomes in different countries. Nevertheless, this study also importantly suggests that the vast majority of Western countries, during their 'integrationist phase', has made substantive changes in their educational systems in order to accommodate disabled children and children with special educational needs within mainstream, neighbourhood schools.

In the last decade, however, the concept of inclusion has consistently replaced integration, which, in turn, has been seen as limited and unsatisfactory (Ainscow, 1999: 182, Rouse and Florian, 1997: 326). Two main interrelated factors have contributed to this change. First, professionals in the field of special education have started to express concerns about the often too narrow interpretation of integration as simple 'placement' of children with special educational needs in mainstream schools, without any attention to the quality of the education provided. In many cases integration has resulted in the actual transfer of special educational practices and methods to the new setting, with a correspondent provision in terms of a 'watered-down variant of the regular curriculum' (Meijer, Pijl and Hegarty, 1999: 2). Hence, integration has often taken the form of a means to avoid segregation, but with little improvement in terms of the actual content and practice of education. Furthermore, professionals in the field of special education have advanced critiques of the way in which children are designated as having disabilities or special educational needs, and have brought to attention the social element inscribed in any form of classification, as well as the relation between learning difficulties and the design of schooling systems. This has led to questioning the 'simple' integration of children into regular schools and classes, and called upon a change of educational systems to accommodate the diversity of children (Ainscow, 1999: 182).

The second, important factor that has influenced the move from integration to inclusion in education relates to the progressively stronger influence exercised by disabled people's movements and by associations of parents of disabled children, who have advanced their pressing requests for equal consideration and entitlement. The social model of disability, in particular, as the theoretical model providing the meaning of disability from disabled people's own perspective, emphasises ways in which existing social structures and policies should be fundamentally changed to ensure the removal of all forms of institutional and physical barriers for the full participation of disabled people to political and social life (A critical account of the

social model of disability is provided in chapter 3). Correlatively, inclusive education is often proposed by the same movements as a means to remove barriers and discrimination, and to ensure the full participation of all children to education. These movements have resulted in the recognition of the individual rights of disabled people as well as in the affirmation of the rights of disabled children and children with special educational needs to be educated in 'regular' schools.

This new emphasis on rights and opportunities for equal participation is reflected in important and influential documents at international and national level. At the international level, for instance, the 1982 United Nations World Program of Action Concerning Disabled Persons states the equalisations of opportunities as one of the main goals to be achieved worldwide (U.N., 1982: 2). Likewise, at the national level, different countries have devised laws and policies aimed at ensuring disabled people equal rights and opportunities, as, for instance, in the UK the 1995 Disability and Discrimination Act, and in the US the 1990 American with Disabilities Act (ADA). The provision of education for disabled children as integral part of education systems is stated at the international level in the Standard Rules on the Equalisation of Opportunities for Persons with Disabilities, adopted by the United Nations General Assembly in 1993, which emphasises access to ordinary schools as a fundamental process for the equalisation of opportunities.

The same emphasis on rights and equal opportunity has informed the move from integration to inclusion in education, which is now central to the debate in special needs education. This centrality is expressed by several documents and policies both at the international and the national level. The main document based on human rights perspectives and stating the aims of inclusive education at international level has emerged from the 1994 Salamanca World Conference on Special Needs Education and is expressed in the 'Salamanca Statement', proclaimed by delegates representing 92 governments and 25 international organisations (Lindsay, 2003: 3). The Statement highlights 'the necessity and urgency of providing education for children, youths and adults with special educational needs within the regular education system' (UNESCO, 1994: 9) and claims, specifically, that

Every child has a fundamental right to education, and must be given the opportunity to achieve and maintain an acceptable level of learning ... those with special educational needs must have access to regular schools which should accommodate them within a child centred pedagogy capable of meeting these needs (UNESCO, 1994:10)

While reaffirming the aim of educating disabled children and children with special needs in regular schools, the Statement endorses a 'Framework for Action on Special Needs Education', which is intended to provide guidance for governments and organizations. The guiding principles informing the Framework specify several fundamental aspects of inclusive education. Among them, three parameters are specifically relevant both for policy implementations and for their centrality in the debate on inclusion in education: identifying and defining special educational needs, the location of education, and the importance of additional provision in terms of resource allocation to ensure the process of inclusion.

With regard to the first aspect, identifying and defining disability and special educational needs, the Framework affirms, primarily, that, 'schools should accommodate all children regardless of their physical, intellectual, social, emotional, linguistic or other conditions' (UNESCO, 1994: 59). It then defines 'special educational needs' by stating:

In the context of this Framework, the term 'special educational needs' refers to all those children and youth whose needs arise from disabilities and learning difficulties. Many children experience learning difficulties and thus have special educational needs at some time during their schooling. Schools have to find ways of successfully educating all children, including those who have serious disadvantages and disabilities (UNESCO, 1994: 59).

This definition identifies both disabilities and learning difficulties as aspects of special needs. In doing so, the definition incorporates elements deriving from considerations of physical disability and mainly referring to medical perspectives, together with elements referring to the wider concept of learning difficulties. In the context of the framework, moreover, special needs are defined both with reference to the different demands posed by individual children to the school system in the process of learning, and to general considerations of disadvantage and serious disability. The Framework explicitly states:

This [*definition of special needs*] should include disabled and gifted children, street and working children, children from remote or nomadic populations, children from linguistic, ethnic or cultural minorities and children from other disadvantaged or marginalized areas or groups (UNESCO, 1994: 59).

Although aiming at including a wide variety of 'needs', the definition of special educational needs provided is nevertheless unspecified in its considerations of the different dimensions of needs, from those related to impairment and disability, to learning difficulties and needs deriving from social causes, such as poverty and

deprivation. The definition does not specify whether disabled children and children experiencing learning difficulties, or children from underrepresented groups and gifted children, actually present different special educational needs, thus assimilating a wide range of different demands within a broad conceptualisation. This unspecified aspect of the definition, while important in urging governmental action upon a wide range of causes of exclusion from education, is rather less effective in terms of its possible operationalisation in policy development.

The second element considered in the Statement is the location of education. In proposing mainstream education as a fundamental right of disabled children and children with special educational needs, the Statement advocates the confinement of special settings and institutions to past practices. The statement outlines that access to ordinary schools is an integral part of the process of equalisation of opportunities:

Inclusion and participation are essential to human dignity and to the enjoyment and exercise of human rights. Within the field of education, this is reflected in the development of strategies that seek to bring about a genuine equalization of opportunity (UNESCO, 1994: 61).

According to proponents of the Statement, moreover, not only are inclusive institutions

the most effective means of combating discriminatory attitudes, creating welcoming communities, building an inclusive society and achieving education for all, but they provide an effective education to the majority of children and improve the efficiency and ultimately the cost-effectiveness of the entire education system (UNESCO, 1994: 10).

It is important to highlight here the social and economic dimensions implied by this position. On the one hand, the statement emphasises the anti discriminatory and participatory aims of inclusive institutions, while, on the other, introducing elements of cost-effectiveness and efficiency<sup>9</sup>. This last point links recommendation on the location of education to the accent on resource provision advocated by the statement, which is the third important element relevant for policy implementation and for the debate on inclusion in education.

Considerations in relation to resource requirements open the analysis to the fundamental and complex element of resource allocation for inclusion in education. The Salamanca Statement expresses the importance of this aspect by stating,

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<sup>9</sup> Lindsay has addressed the controversial aspect of the argument for efficiency and efficacy in relation to inclusive education, and has specifically outlined how the Statement asserts the effectiveness of inclusion in the absence of clear empirical evidence (Lindsay, 2003).

The development of inclusive schools as the most effective means for achieving education for all must be recognized as a key government policy and accorded a privileged place on the nations development agenda. It is only in this way that *adequate resources* can be obtained. Changes in policies and priorities cannot be effective unless *adequate resource* requirements are met. Political commitment, at both national and community level, is needed both to obtain additional resources and to redeploy existing ones (UNESCO, 1994: 78, *Italics added*).

Moreover, the Statement recommends:

The distribution of resources to schools should take realistic account of the differences in expenditure required to provide appropriate education for all children, bearing in mind their needs and circumstances (UNESCO, 1994: 78).

This appeal to additional funding for inclusive education represents a fundamental claim and introduces considerations of resource distribution at the core of the process of inclusion. However, the statement leaves unspecified both the concept of resources and the differential amount that should be provided for the education of children with special needs, hence resulting in a declaration of intentions that needs further specification in order to be enacted at policy level.

Despite the often under-specified nature of the definitions and concepts introduced, the Salamanca Statement represents an important international declaration both at legislative and policy level, upon which governments and international agencies are called to act in order to promote and establish inclusion in education. In this sense the Salamanca Statement has encouraged the overall worldwide trend towards providing different responses to the educational demands of disabled children and children with special educational needs, from those traditionally associated to segregated and special provision (Ainscow, 1999: 183). Notwithstanding these important trends and correlated legislative and policy measures, however, different countries are at different stages in this process towards inclusion, and in the vast majority of cases education systems still reflect the ongoing transition from special, segregated institutions, through integrated settings and toward inclusive schooling. The situation of special and inclusive education in England and Wales and the US reflects this state of affairs, and it is therefore worth exploring in some more detail as way of example.

### **2.1.1 Special and Inclusive Education in England and Wales**

According to Lindsay, 'Within the UK the development of policy towards inclusion is well advanced, but not all-encompassing' (Lindsay, 2003: 4). Anticipations of the move towards educating all children in normal schools are traceable back to the

1928 Wood Committee, which emphasised the unity of special and ordinary education, and also to the 1944 Education Act, which recognised that education for children with special requirements should take place in ordinary schools (Lindsay, 2003: 4). However, it was the 1978 Warnock Report (DES, 1978), which marked what has been seen as a watershed in the educational provision for disabled children and children with special educational needs (Riddell, 2002: 6). The Report importantly and substantially pointed out the commonality of educational aims for all children, and the rights of children with special educational needs to be educated in mainstream schools, providing their needs could be met, and stipulating additional support to this purpose. The Report also introduced the concept of 'special educational needs', whilst highlighting the interactive nature of learning difficulties, seen as related to the context of the student and to different variables, not all pertaining to the individual child. It recognised that 20 per cent of children experience learning difficulties at some time during their education, and that for only 2 per cent of children these difficulties are so significant as to require their assessment by a multi-disciplinary team, and their condition protected through a formal statement. Hence the Warnock Report asserted the possibility of meeting children's needs through additional resources and specialist services, without the recourse to special school provision (Dyson and Millward, 2000: 1).

The recommendations of the Report were subsequently implemented by the 1981 Education Act<sup>10</sup>, which mainly set the frameworks of the current provision in special and inclusive education (Norwich, 2002: 485). The Act legally formalised the concept of special educational needs and endorsed the principle of educating all children in mainstream settings. It furthermore introduced the statutory multi-disciplinary assessment, conducted by the competent Local Education Authority<sup>11</sup>, and stipulated that Local Authorities and schools should provide the appropriate support necessary to meet the needs of children experiencing learning difficulties. The Act also increased spending on special education and encouraged school level initiatives in order to develop policies for meeting special educational needs. Norwich (2002) outlines how, as a consequence of this Act, there are now three main groups of children with special educational needs<sup>12</sup>. The first includes children with the most severe learning difficulties ascertained by a statement and educated

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10 This Act has been superseded since by the 1993 Education Act, the 1996 Education Act and the 2001 Special Educational Needs and Disability Act (Marsh: 2003:14).

11 Local Education Authorities in England and Wales are governmental institutions at local level and provide services to the schools under their responsibility.

12 These considerations draw substantially on Norwich 2002 and 1997.

in special schools, estimated to be around 1.3 per cent of all students. The second includes children with statements but educated in mainstream schools, currently representing more than half the children with statements; and, finally, a third group of children with no statement, but whose special educational needs are met through additional specialised support within mainstream schools. The latter group represents the 20 per cent mentioned in the Warnock Report (Norwich: 2002: 485).

A more decisive focus on inclusion in special education has emerged as a consequence of the 1997 Green Paper (DFEE, 1997) and the 2001 Code of Practice on the Identification and Assessment of Special Educational Needs (DFE, 2001). In particular, the Green Paper officially endorses the Salamanca Statement and affirms the support of the government for the inclusion of pupils with special educational needs in mainstream primary and secondary schools, thus implying provision for a variety of needs within regular schools (DFEE, 1997: 44). The more recent 2001 Special Educational Needs and Disability Act (SENDA) further emphasises inclusive education by requiring children with special educational needs to be educated in mainstream schools, unless this is against the wishes of the parents or incompatible with the efficient education of other children (Lindsay, 2003: 4). Moreover, the Act extends provision in mainstream settings also at the level of secondary and higher education, stipulating the requirement for institutions to make all the 'reasonable adjustments' in order to anticipate and accommodate the broad variety of educational needs.

Ultimately, educational policy in England and Wales shows an evident promotion of inclusion and a commitment to extend it to all sectors of education. At the same time, the educational provision is characterised by a variety of organisational settings, which include special schools, integrated settings and 'more' inclusive provision. Correlatively, the educational debate is characterised by a prominent focus on the language of inclusion and by greater attempts by some of its proponents to abandon the language of needs (Norwich, 2002: 484). As we shall see, these differences in educational provision, together with difficulties in operationalising the concept of special educational needs, and unclear conceptual frameworks, lead to wide inequitable conditions in the education of disabled children and children with special educational needs (more on this below). Before addressing these issues, however, I shall analyse the situation in the US in more detail.



### **2.1.2 Special and Inclusive Education in the US**

According to Lipsky and Gartner (1996: 46) the history of public education in the United States is characterised by the progressive inclusion of underrepresented groups of students into mainstream education. In particular, the educational provision for disabled students has developed along the three stages of exclusion, formal integration or inclusion on the basis of judicial or legislative requirements, and a progress towards more precise definitions of the nature of inclusion.

Until the 1960's, severely disabled children were either home educated or placed in private institutions, whilst children with less severe disabilities were educated in special schools or in residential centres (Hall, 2002: 151). As a result of the pressures from civil rights movements and from parents of disabled children in the late Sixties and early Seventies, the public education of these students began to be addressed by federal and states regulations and legal mandates, which have since played a substantial role in special education in the United States (Florian and Pullin, 2000:19). This struggle resulted in the passage in 1975 of PL 94 – 142: The Education of All Handicapped Children Act, which stated that all disabled children were entitled to a 'free appropriate public education' (FAPE). The main concern of the Congress in passing this law was to affirm the educability of all disabled children and the provision for their education in the regular neighbourhood school (Lipsky and Gartner: 1996: 147). Whilst adopting eleven categories of disability mainly based on medical definitions and still currently in use, the law identifies children on the basis of a defined disability, and the associated educational needs resulting from the adverse effect of the disability. It further establishes financial assistance to the states for the pursuit of these goals, and also encompasses 'detailed procedural protections for children and their families to ensure compliance with the law, including the right to use the federal court system to obtain enforcement of these legal rights, if necessary' (Florian and Pullin, 2000: 19). At around the same time of the enactment of the federal law, each state passed similar sets of requirements, thus establishing the educational provision for disabled children across the whole of the country.

The 1975 Act has been amended several times and finally re-authorized in the 1997 Individual with Disabilities Education Act (IDEA), which maintains the original requirements of a 'free appropriate public education', to be provided in the 'least restricted environment' (LRE). The Act outlines the precise meaning and content of both 'free appropriate public education' and 'least restricted environment', linking

compliance with their implementation to the provision of additional federal funding to state and school districts. Hence, a 'free and appropriate public education' is intended as

special education and related services that – A) have been provided at public expense, under public supervision and direction, and without charge; B) meet the standards of the State educational agency; C) include an appropriate pre-school, elementary, or secondary education in the State involved; D) are provided in conformity with the individualised education program required under IDEA (IDEA, quoted in Florian and Pullin, 2000: 20).

The US Supreme Court has subsequently specified the concept of appropriate education by indicating that 'special education and related services' have to be provided in conformity with the IDEA procedure and have to ensure educational benefits to disabled children.

Conversely, the other primary principles of IDEA, the right to be educated in the 'least restricted environment', sometimes referred to as mainstreaming, requires that children with disabilities should be educated, to the maximum extent possible, with children who are not disabled. The 1997 enactment extends this opportunity to include the possibility for disabled students to be educated in private institutions, when the program or the design of public ones does not respond to the criteria set forth by the law or to the parents' choice.

Although the American education system has seen a progressive development towards more inclusive institutions, inclusion does not represent a legal requirement. According to Lipsky and Gartner the concepts of mainstreaming and the principle of the 'least restrictive environment' de facto still stipulate the existence of two systems of provision, special and regular ones, in which disabled students subdivide their educational time. Hence, they maintain, despite developments towards more inclusive practice, most disabled students continue to be educated in separate settings, which could be separate classes within mainstream schools or special units, and interact with their non-disabled peers mainly in socialising activities (1996: 151). Furthermore and importantly, Lipsky and Gartner maintain that 'there can be little doubt that the current system is not working' in spite of an annual cost of approximately \$30 billion (1996: 148). To support their claim, these authors report the poor educational outcomes of disabled students, including high drop out rates, low graduation rates and limited success in post-secondary education (1996: 148). In addition to this, as I shall address in more detail in the next section, the current funding of special education in the US encompasses

varying rules, regulations and practices at state level, which result in wide variations in both placement of children and expenditure within states and between states, thus fundamentally proving the substantial inequitable situation in the educational provision for these students.

This brief overview of developments in England and Wales and in the US highlights, on the one hand, the transitory situation in the provision of special and inclusive education, and the current uneven achievement of inclusion. On the other hand, it presents evidence of the widespread variations in the educational provision for disabled students and students with special educational needs. As Hegarty suggests, although such uneven results may be related to the magnitude of the changes under way in educational systems the world over, it may nevertheless be prudent to allow for other possible explanations of these variations, not least that the aims being pursued are not well-formulated, or are the wrong ones (Hegarty, 2001: 244). Taking Hegarty's insights further, I maintain that these variations, which result in widespread inequitable conditions, may be related to the absence of principled frameworks underpinning and informing policy and practice in special and inclusive education. Next section addresses the variations in the funding of this education, and the resulting inequalities through a general outline of the situations in England and Wales and in the US.

## **2.2 Inequalities in Practice: The Funding of Special and Inclusive Education**

This section presents an overview of the current financial provision for disabled children and children with special educational needs in England and Wales and in the United States, as an example of a more widespread situation in the funding of special and inclusive education. It outlines the pervasive inequalities resulting from these systems of funding, which see great disparities in the resources allocated among and within different Local Educational Authorities in England and Wales, and among different school districts and states in the US. Similar trends are identified by recent studies conducted by the OECD among its member countries (OECD, 2000, Evans, 2001). In general, the picture emerging from research and data available shows a general increase in the funding of special and inclusive education, together

with wide and substantial differences in the amount of resources being allocated, which, in turn, result in substantial inequalities of provision. I start my analysis by outlining the situation in England and Wales, and then turn to the finance of special education in the US.

In England and Wales the 1981 Education Act introduced the concept of special educational needs, recognising that almost 20 per cent of students experience learning difficulties during their education, with only 2 per cent having severe and significant needs. The Act stipulated that all children with special needs should receive additional support in order to meet their demands, but only children with severe learning difficulties should be provided with a statement to protect their condition. It designated Local Education Authorities to provide the appropriate additional support, including financial assistance, to meet the needs identified (see above).

A series of reforms in the financing of education during the 1980's delegated the administration of school budgets to the individual schools, enabling them to manage their own finances (Evans et al, 2000: 1). The major legislation embodying this change is the 1988 Education Reform Act (ERA), which introduced also a unified National Curriculum and national testing and assessment. Furthermore, schools were deemed to be competing for students under an open enrolment scheme, and parental choice enhanced by the publication of school performance tables. The 1988 Act is unanimously considered one of the most important and far-reaching pieces of legislation for England and Wales, and its effects on the school system in general, and on the provision for disabled children and children with special needs in particular, are to day subject of research and discussion. More specifically, several authors have pointed out how the market-oriented elements formalised by the Act in terms of school choice, competition and local management of schools have yield negative consequences for disabled students and students with special educational needs<sup>13</sup>.

Particularly relevant to my analysis is the introduction of the local management of schools (LMS), which required Local Education Authorities to delegate finance to single schools and to determine a funding formula for the allocation of the school

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<sup>13</sup> See, among others, Barton, 1993; Evans and Lunt, 1994 and Rouse and Florian, 1997; see also Marsh, 2003 for a detailed study of the funding of inclusive education and for discussions on the effects of the 1988 ERA.

budget. Under Section 38 of the Act, the formula must apply 'a consistent set of criteria for distributing resources'. In addition to the notional principle of allocating resources according to the number of pupils enrolled at the school (Age-Weighted Pupils Numbers), it may take into account any other relevant factors which could affect the requirements of individual schools, for instance the number of pupils having special educational needs (Marsh: 2003: 72).

Further governmental guidance about school finance is contained in the Fair Funding document published in 1998 (DfEE, 1988) and implemented in 1999. Under the system of 'Fair Funding',

Local Authorities in England and Wales are currently required ... to delegate at least 80 per cent of their budget for funding schools to the schools, leaving 20 per cent to fund central administration and services to support school, such as psychological services, advisors to support school improvement, and funding for making provision for pupils with statements of special educational needs (Evans et al., 2000: 1).

As Evans et al. note, in this way the funding of special needs education is characterised by a two-tier system, with resources being provided by the Local Education Authorities from central funds on the one hand, and resources given directly to schools on the other (2001: 2). Furthermore, the same two-tier system regulates the responsibility for children with special educational needs, since children identified with a formal statement are under direct LEA responsibility, although shared with the school, whereas children identified by the schools, but without a formal statement, remain under the responsibility of the school. This organisation is also related to the implementation of the Code of Practice on the Identification and Assessment of Special Educational Needs, following the 1993 Education Act (see above) and the current revised 2001 Code of Practice (DfES, 2001). The original Code established a five-stage model of assessment and provision, with the first three stages under the responsibility of the school, but with a direct involvement of the Local Education Authority at stage three, and the last two stages under shared responsibility. The conduct of a statutory assessment and the drawing up of the formal statement of special educational needs lay with the Local Authority. The revised current Code of Practice has a graduated model of assessment and provision organised in only four stages. However, this change does not substantially alter the two-tier system of provision. Under the revised Code of Practice schools are primarily responsible for the provision at the first two stages, namely School Action and School Action Plus. Once a request for statutory

assessment is made, at stage three, the Local Authority becomes responsible both for the conduct of the assessment and for the drawing up of the statement of special educational needs.

Several studies have addressed how the implementation of the local management of schools and subsequently the Fair Funding system have resulted in substantial differences from one Local Education Authorities to another in the provision for students with special educational needs (Vincent et al, 1994, Evans and Lunt, 1994, Evans et al. 2001, Marsh, 2003). Three main difficulties are mentioned as causing these widespread differences. First, difficulties arise in operationalising the concept of special educational needs for the identification of children. Lunt and Evans (1994) note how 'the 1981 Education Act produced an unclear set of descriptors in its definition of the term 'special educational needs' ...which was effectively impossible for LEAs to operationalise' (1994: 9). The set of descriptors implied both a relation to a concept of normality, which was differently conceptualised by different schools, and a relation to the school's learning environment, which is another aspect particularly subject to different conceptualisations. This has resulted in the possibility for a child, legally, to have special educational needs in one school but not in another (Florian and Pullin, 2000: 18).

Secondly, determining the funding formula for the allocation of the budget to schools has proven difficult for Local Education Authorities. In particular, due to the absence of clearly stated and shared criteria for the identification of children, the task of devising an acceptable formula, which could account for students with no statement of special educational needs has caused numerous problems. Local Education Authorities used at first indicators such as the percentage of children entitled to free school meals (FSM). Recent studies demonstrate that, over a ten-year period, from 1992 to 2002, the number of Local Education Authorities adopting the 'free school meal' criteria raised from 81 to 96 per cent (Marsh: 2003). More recently, Local Education Authorities, in order to determine the percentage of school delegated budget with respect to children with special educational needs but no statement, appear to be using a combination of indicators, such as the 'free school meals', and audit systems like tests results and professional consultation (Marsh, 2003: 73). Furthermore, as a consequence of the Fair Funding procedure, increased amounts of funding have been delegated to schools: 'the Audit Commission estimated that the amount of funds transferred to school as a result of that increased by over £600 million' (Marsh: 2003: 73). As a result of these mechanisms, 'the expenditure in

Local Education Authorities on additional and special educational needs ranges from £8 per pupil to £270 per pupil' (Marsh: 2003: 74).

Finally, the two-tier system of funding has worked as incentive to formally assess children, in order to secure additional funding, and has resulted in a consistent increase in the number of children with formal statement and in the total cost for special needs education. As Marsh notes,

The total SEN spend has increased by 50 per cent, from £2.5 billion in 1996 to £3.8 billion in 2001/02, of which £1 billion is now delegated by English LEAs for AEN [additional educational needs, such as difficulties related to social deprivation] and SEN (Marsh, 2003: 81).

A recent study undertaken by the National Foundation for Educational Research (Evans et al: 2001) on the impact of the system of Fair Funding on 56 English Local Education Authorities confirms the widespread differences in funding noted by previous researches. In particular, according to the findings of the study, most Local Education Authorities 'allocated between 3 per cent and 7 per cent of the Local School Budget to special education' and, furthermore, 'all categorised spending differently and allocated different proportions of special education spending to each of the eight subheadings in the budget statement' (Evans et al. 2001: ii). The authors of the study conclude that the overall picture emerging is one of 'diversity and difference within and among Local Authorities, with no clear trends ... which account for the range of policies and practices regarding special educational needs funding' (Evans et al. 2001: 67). Finally, the research also confirms that the national variation in the funding of special education noted in previous researches 'has been maintained and is as great as it was at the inception of local management' (Evans et al. 2001: 68).

In conclusion, the pervasive differences noted in the funding of special needs education in England and Wales lead inevitably to consistent inequalities in provision, and appear to reaffirm substantially the importance of questioning the practice as well as the policy underpinning the system, and to reconsider the theoretical frameworks informing it.

If the funding of special needs education in England and Wales presents such pervasive differences and, ultimately, inequalities, the situation in the United States shows no better picture. With the passage of the Education for All Handicapped Children Act – P. L. 94-142 in 1975 and its re-authorisation in the Individual with Disabilities Education Act (IDEA) in 1997, provision for disabled children has

become integral part of the American public education system (see above). Parrish (2000: 432) notes that there has been a recent increased interest for the funding of special education, due largely to its high level of total estimated annual expenditure, in the range of \$32 billion, but also due to questions being raised about the rapid growth in costs for special education and its possible negative effects on the resources of the entire public education system (2000: 433).

The funding of special education in the United States is organised through a complex set of provision at federal, state and local level of government, with the federal government accounting for about 8 per cent of the total expenditure, and the remaining equally provided by the state and the local level of school districts (Parrish, 2000: 180). The federal funding has been mainly based on the count of children with disabilities receiving special educational services in each state, with no distinctions made with respect to the variations of type of disabilities or their level of severity. More recently, however, as a consequence of the 1997 IDEA amendments, the federal funding is gradually moving towards a census-based system, centred on total enrolment rather than on the number of children with disabilities. Under census-based funding, the federal government provides funds for the total number of students registered in each state, regardless of the number of disabled students, the severity of the disability or their different placement. Under this system, therefore, two states with the same number of students would receive the same amount of funding, regardless of their respective numbers of disabled students. Census-based funding, introduced essentially to limit the increase in the identification of disabled students in order to secure more funds, is also adopted in various forms by six of the fifty states for their level of funding (Parrish, 2000: 432). In addition to the progressive introduction of the census-based funding, the 1997 IDEA contains another important element for the provision of special education. This consists in the possible adjustment upward of the amount allocated to each state, on the basis of the percentage of students in poverty in each state (Special Education Poverty Adjustment Funding) (Parrish, 2000: 442).

However, the major responsibility for the funding of special education lies at state level. Although 'All 50 states have special provision in their funding formulas that acknowledge the excess cost of special education' (Parrish, 2000: 433), there are substantial differences in the ways in which they account for their expenditures. These vary from reimbursing a fixed percentage of the actual expenditure for special education, a system adopted by 11 states, to pupil-weighted systems in 19



states. Moreover, 10 states use systems that fund directly the number of special education teachers and other 10 use a system of fixed dollar grants to each student. These different systems of funding relate to consistent differences across the states and within each state. Moreover, these differences are subject also to the 1997 IDEA amendment in favour of school choice extended to parents of disabled children. Under this amendment, 'when parents place their child in a school chartered by the state or the local educational agency, the public agency remains obligated to provide special educational services and funding to students with disabilities in the same manner that the local agency provides support to its other public school programs' (Rothstein, 1999: 336). Although local educational agencies, on the basis of financial considerations, try to respond to the educational demands of disabled students within their own public program, the elements of 'placement' and school choice add complexity to the funding formula of each state.

Despite the fact that the exact amount of current expenditure for special education is unknown, since states were last requested to report these expenditures for the 1987/88 school year, the current estimated cost of special education in the United States, as mentioned above, is in the range of \$32 billion per year. The Centre for Special Education Finance (CSEF) at Stanford University has addressed this lack of nationally representative data on the funding of special education through a survey of states' expenditures between 1994 and 1996<sup>14</sup>. The data collected show considerable variations across states in the average special education expenditure per student, ranging from \$2.758 in Indiana to \$8.501 in Connecticut – with a ratio of more than 3 to 1 (Parrish and Wolman, 1999: 215). Moreover, as Parrish and Wolman note,

These data also show much variability across states in the local, state, and federal shares of spending. For example, the federal share of expenditures ranged from a low of 4% in Connecticut and Nevada to a high of 17% in Indiana. State support ranged from 23% in Virginia to 94% in Louisiana to 69% in Maryland (1999: 215).

Furthermore, the percentage of students identified as disabled has grown every year since the passage of the 1975 special education law. 'On a state-by-state count, however, this percentage varies considerably across the nation, with 10.7 per cent being identified in Massachusetts as compared to 5 per cent in Hawaii'

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<sup>14</sup> In response to the CSEF survey, only half of the states were able to provide data with a 'high degree of confidence'. However, in the absence of other sources, the data collected in the survey have been used in several studies (Wolman and Parrish, 1996: 215) and are considered here as valid and reliable, although partial.

(Bowers and Parrish, 2000: 180) with these variations being related to the varying practices and regulations in place in different states.

In conclusion, the funding of special education in the United States presents pervasive differences, which parallel the inequalities at provisional level noted in England and Wales. Moreover, recent studies conducted by the OECD across its state members show similar patterns in the provision for special needs education, thus confirming the problematic situation noticed for England and Wales and the US (OECD 2000, Evans, P. 2000). The picture emerging from the analysis of the provisional level in terms of enactment of equal entitlement to education for disabled children and children with special educational needs is therefore a rather discouraging one. The different and often contrasting 'models' informing the level of theories in special and inclusive education, however, further complicate this picture. The next section outlines elements of the 'dilemma' central to this field.

### **2.3 The Dilemma of Difference**

In this section I critically address the main elements of the 'dilemma of difference' at the core of theories and frameworks in special and inclusive education. My aim is to show the limits of these frameworks, which restrict their feasibility in informing policy and practice in this field. More specifically, I maintain that the current divide between individual and social elements inherent to models in the field represents a limited and artificial opposition, which needs to be overcome by different and more complex theoretical and normative frameworks.

Central to special and inclusive education, the dilemma of difference consists in the seemingly unavoidable choice between, on the one hand identifying children's differences in order to provide for them differently, with the risk of labelling and dividing; or, on the other hand, accentuating the 'sameness' and offering a common provision, with the risk of not making available what is relevant to, and needed by, individual children (Dyson: 2001, Lunt: 2002, Norwich: 1993, 1996, and above). This dilemma subsumes two fundamental and interrelated questions: What counts as disability or special needs in education? What educational provision can best meet the equal entitlements of disabled children and children with special needs? These questions relate, in turn, to two interconnected aspects: a theoretical dimension, concerned with issues of conceptualisation and definition, and a political one, which

refers to questions of provision in order to meet the equal entitlements of children to education. In what follow I shall address specifically the theoretical level of the dilemma, whilst trying to outline the problematic elements inscribed in the positions proposed, and, consequently, their limits in informing the political level.

Conceptualising differences among children, and in particular differences related to disability and special needs, is a contentious educational problem. What counts as disability and special needs, and how this relates to learning difficulties, is not only much debated in education, but also the subject of contrasting and often opposed views. Educational approaches to definitions and causes of disability and special needs, however contrasting, can all be substantially subsumed in the different understandings of the relation between children's diversity and the school system. The theoretical core of the contention lies not only in the definition of children's diversity with respect to school, but also, and more specifically, in the factors causing the difficulties experienced by some children either throughout or at any time during their school career. The debate is characterised, on the one hand, by perspectives that causally relate children's difficulties to their individual characteristics, often seen as individual limitations and deficits. These perspectives suggest the adoption of medical categories of disability and concepts of learning difficulties. On the other hand, other positions, mainly in sociology of education, locate the causes of children's learning difficulties within schooling institutions characterised by their inability to meet the diversity of children's learning. While opposing the adoption of any form of category or classification of children's differences, seen as inherently discriminatory, these positions promote instead 'the recognition and appreciation of all aspects of diversity in education' (Barton, 2003: 15).

The theoretical frameworks informing special and inclusive education, therefore, present a substantial duality between individual and social elements. I maintain that this duality, whilst being an artificial causal opposition, leads to limited and unsatisfactory conceptualisations of disability and special educational needs. More specifically, perspectives emphasising individual limitations end up overshadowing the role played by the design of schooling institutions in determining learning difficulties. Conversely, perspectives that identify schooling factors as causes of learning difficulties tend to overlook elements related to individual characteristics. Let me proceed to substantiate these claims.

Perspectives that explain children's learning difficulties as causally linked to their personal features adopt concepts of disability as related to an individual impairment and limitation. They rely on the use of classificatory systems mainly based on medical or psychological categories, for example 'sensory impairments' or 'intellectual difficulties'. Categories are seen as part of the 'attempts to understand learners' individual characteristics' (MacKay, 2002:160) and to provide the specialist support assumed as fundamental to their education. Proponents of these views criticize perspectives based on the social model of disability – the model supported by disabled people's organisations - for failing to analyse the complexity of disability and for simplifying it under the 'neat umbrella of disability' as socially constructed (MacKay, 2002:160). For instance, MacKay expresses concern about the fact

that many cohorts of experienced teachers ... have been taught that impaired hearing is not a barrier to learning, because real barriers have to be construed socially (MacKay, 2002: 160).

Whilst agreeing with some terms of this critique of the social model of disability, I maintain that perspectives centred on the individual's impairments present limits in their understanding of children's difficulties. Impaired hearing, to return to the example mentioned, can certainly become in itself a barrier to learning, hence a disability, when teaching is not provided to accommodate children with hearing impairment. If teaching were conducted in diverse ways specifically sensitive to the learning modalities of deaf children, then hearing impairment would remain an impairment, but would probably not become a disability, hence not resulting in a barrier to learning. This distinction is subtle, but worth making. Ultimately, what this example shows is how category-based positions end up emphasising the 'individual' aspect of the relation between children's difficulties and school, thus seriously overlooking the relevance of the schooling factor in determining learning difficulties and, therefore, failing to express the complexity of disability as difference in education.

Similar considerations apply to the concept of special educational needs adopted in the UK following the Warnock Report (DES, 1978) and the 1981 Education Act. The concept of special educational needs was introduced with the aim of emphasising the relational aspect of learning difficulties, whilst bringing the theory and practice of special education beyond the use of categories of disability. However, as Norwich points out, the concept of special educational needs not only remains inscribed in a 'within-child model', but also substantially introduces a new category, that of special needs. This category still presents special needs as essential to the individual child,

and de facto separates children with special needs from the others (Norwich, 1993:45). Furthermore, the concept of special educational needs appears theoretically unspecified and practically unworkable (see above). This leads, on the one hand, to a conceptual proliferations of needs, for instance in ideas of exceptional needs, defined as 'arising from characteristics shared by some, e.g. visual impairment, high musical ability' (Norwich, 1996:34) or notions of 'individual needs' (Ainscow, 1989) related to the full and irreducible diversity of individuals. On the other hand, the unspecified nature of the concept leads to the reintroduction of the medical and psychological categories it aimed to abolish, like categories such 'sensory impairment' or 'emotional and behavioural difficulties' now informing the Code of Practice for the Identification and Assessment of Special Educational Needs (DfES 2001). Ultimately, therefore, the notion of special needs remains conceptually a 'within-child model' and fails to capture the complexity of disability.

Let us now consider those perspectives that identify the learning difficulties experienced by some children as related to the limitations of the schooling systems in meeting their diversity. These perspectives hold the view that it is indeed how schools deal with the issue of difference that determines the correlation between diversity and difficulties. In this sense, disabilities and special needs are considered wholly socially constructed, thus not inherent nor essential to the child.

For some educationalists (for instance Booth and Dyson) difficulties and needs are caused by the inflexibility of the school system and by its inability to meet the diversity of children. It is therefore the limitation of schooling, which causes special educational needs. Norwich notes that, although in this view difficulties are seen as arising from the relation between the diversity of children and the school system, critical attention is specifically directed only to the limitations of the school, rather than to a comprehensive understanding of how this relation takes place. In this sense, for instance, Dyson states,

Special needs are not the needs that arise in a child with disabilities with regard to a system that is fixed. Rather they are needs that arise between the child and the educational system as a whole when the system fails to adapt itself to the characteristics of the child (Dyson, cited in Norwich, 1993: 50).

As Norwich has rightly pointed out, there seems to be an inconsistency in arguing for an interaction between child and school and then asserting only the limitations on the part of the school (Norwich, 1993: 50).



Some sociologists of education influenced by the social model of disability maintain that disability and special needs in education are socially constructed in the sense of being the products of disabling barriers and of exclusionary and oppressive educational processes (Armstrong, Barnes, Barton, Corbett, Oliver, Slee, Tomlinson)<sup>15</sup>. They see disabilities and difficulties as caused by institutional practices, which marginalize and discriminate through the use of labelling procedures and disabling categories and methods. These positions critique the use of categories of disability for their arbitrary, socially situated and discriminatory use. The use of categories is seen as aimed at separating and, until recently, segregating children on their presumed 'abnormality', and as labelling and devaluing disabled children and children with special needs. Consequently, and in line with the social model of disability, according to proponents of this perspective,

difference is not a euphemism for defect, for abnormality, for a problem to be worked out through technical and assimilationist education policies. Diversity is a social fact. (Armstrong & Barton, 2000:34).

Differences and diversity, therefore, instead of constituting a 'dilemma', have to be promoted and celebrated.

This position, while highlighting possible limits of medical and social practices of categorisation, nevertheless gives rise to important theoretical problems. First, stating that difficulties and disability in education are socially constructed presents obvious elements of over-socialisation and significantly overlooks the individual factors related to impairments. To resume the example mentioned above, a hearing impairment has to be recognised and acknowledged if provision has to be made in order to avoid educational barriers. Hence, simply stating that hearing impairment is a difference to be celebrated does not seem to be a sufficient means to the end of educating the child and even less so when the aim is the enactment of equal entitlements. This becomes more evident in the case of severely disabled children or children with multiple disabilities. Second, the abandonment of any use of categories and classifications of disability and special needs in favour of a generic celebration of differences is in itself a problematic and, to a certain extent, counterproductive position. How can policies be designed to celebrate differences, and specifically differences related to impairment and disability, in the absence of any specification of the concept of difference? Ultimately, therefore, educational

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<sup>15</sup> These perspectives will be analysed in chapter 4, following my philosophical critique of the social model of disability in chapter 3.

perspectives that advocate the abandonment of categories of disability and special needs and assert that they are solely socially constructed seriously overlook the relevance of individual factors and the importance of the relation between the latter and the design of schooling systems in determining learning difficulties. To anticipate one of my later themes, they also neglect a notion of functioning, which alone makes sense of a disability, whether socially or personally constituted.

The same polarisation of perspectives is evident in the theorisation of the second question subsumed in the dilemma, the problem of what system of schooling better responds to the educational interests of disabled children and children with special educational needs. Here again, positions vary between, on the one side, those advocating for the 'special' element inherent to the education of disabled students and students with special educational needs, and, on the other, those advocating for a full inclusion in mainstream schools, hence for flexible schooling systems accommodating the full diversity of children. Furthermore, despite its centrality in policies and practices at national and international level, as well as in the educational debate, the notion of inclusive education is differently conceptualised and understood by various educational perspectives, and there is no agreement either on its meaning, or on its precise content (Mitchell, 2004: 1, Rouse and Florian, 1997: 323, Hegarty, 2001: 243). For instance, on the one hand, some perspectives describe inclusive education as the possibility for disabled students and students with special educational needs to attend the local school with appropriate supplementary aids and services (Lipsky and Gartner, 1999). On the other hand, other perspectives conceptualise inclusive education in terms of accommodating and responding to the diversity of children, without any clear reference either to additional or to specific learning support (Ainscow, 1991, Barton 1993, Thomas and Loxley, 2001).

Ultimately, current perspectives on disability and special educational needs, remain polarised between individual and social elements, thus presenting artificially fixed and limited positions, which, whilst reflecting main theoretical frameworks in socio-medicine and disability studies (more on this in the next chapters), do not account for the complexity of disability, special educational needs or learning difficulties. These limits point in the direction of different frameworks, which could reconsider both disability and special educational needs and their relation to the design of schooling systems.

## **Concluding comments**

This chapter has analysed the wide and pervasive differences characterising the educational provision for disabled children and children with special educational needs in England and Wales and in the United States. It has shown how these differences result in substantial inequalities in the resources and opportunities for these children. Furthermore, the chapter has presented and addressed elements of dilemmas at the core of the theoretical debate on disability and special educational needs, whilst trying to outline the limits inscribed in perspectives in the field. The picture emerging from this analysis of the educational provision, policy and theorisation in special and inclusive education confirms the need for rigorous normative frameworks informing the field. However, before presenting such a framework, I will analyse the main conceptualisations of disability and, more specifically, I will critically address the social model of disability, theorised by disabled scholars and supported by disabled people's movements, and widely influential in educational debates, too. The next chapter addresses the social model of disability from a philosophical perspective.



## **Chapter 3**

### **The Social Model of Disability: A Philosophical Critique**

Emerging from the political activism of disabled people's movements and mainly theorised by the scholar Michael Oliver, the social model of disability is central to current debates in Disability Studies and related perspectives on inclusive education.

This chapter develops a philosophical critique of the social model of disability and outlines some of its theoretical problems. More specifically, it presents two main critiques of the social model: the first questions the appropriateness of the materialist framework underpinning it, whilst the second analyses some limits of the definition of disability provided by the model, and its controversial rejection of normative categories. The chapter argues that in conceptualising disability as unilaterally socially caused, the social model presents a partial and, to a certain extent, flawed understanding of the relation between impairment, disability and society. Hence it sets a framework that needs clarifications and extensions, and presents limits to the achievement of its own aim of inclusion and equal consideration.

The chapter concludes by suggesting that, despite its theoretical limits, the social model acts as a powerful and important reminder to face issues of inclusion as fundamental moral issues.

#### **Introduction**

Despite the presence of people with accredited impairments at all times and in all societies, a systematized political and theoretical reflection on impairment and disability by disabled people and scholars has emerged only in the last three decades. This contribution has mainly originated from within the disabled people's movements and in opposition to the prevailing analyses based on medical or mainstream sociological frameworks. The social model of disability, theorised

principally by the disabled scholar Michael Oliver, is a fundamental contribution not only to the discussion about the complexity of disability, but also to our understandings of disability as informed by disabled people's reflection on their own experience.

The social model of disability is interlocked with the political actions of disabled people's movements, both in the UK and, to a lesser extent, in the US, and has initiated and contributed to the establishment of the field of disability studies. Prior to the theorisation of the social model of disability, approaches to disability were mainly conducted within medicine or medical sociology. According to disabled scholars, this is reflected both in medical models of disability and in the general marginalisation that the social approaches to disability have endured within mainstream sociology. Nevertheless, the social model of disability draws consistently from sociological insights, although presenting a view that, in situating disability within social structures, diverges consistently from orthodox positions. Moreover, since its emergence is connected to the political activity of the disabled people's movements, the social model of disability shares its challenges to mainstream disciplinary and institutional political positions with new social movements that have characterised social actions during the 1980's and 1990's.

In outlining the social model of disability, Oliver maintains that it is not a fully worked out sociological theory and should not be considered as such. Moreover, he states that the social model cannot totally explain the various dimensions of disability and cannot do the work of a social theory (Oliver, 1996: 41). However, the social model provides both definition and analysis of disability and sets them in a materialist framework, which identifies the relation between individuals and social and economic structures with reference to the modes of economic production, while opposing the social to an individual model. The social model is a response to the individual model and to its definition of disabilities, seen as deeply flawed. According to the social model the individual model, mainly theorised within the sociology of medicine, wrongly conceptualises disability within a medical framework, thus seeing disability as the unfortunate consequences of a presumed deficit proper to the disabled person. As opposed to that, the social model aims at showing disability as the product of specific social and economic structures. It also aims at addressing issues of oppression and discrimination of disabled people, caused by institutional forms of exclusion and by cultural attitudes embedded in social practices.

My critical account of the social model of disability is based on political philosophy. As such, my critique is conducted at a theoretical and political level, and identifies and addresses the conceptual problems of the social model of disability, rather than the experiential ones, connected to the lived, personal dimension of disability. In so doing, however, it aims at providing an alternative awareness on conceptual issues, which could inform the reflection on the personal experience of disability. My critique is conducted at two levels, one internal and one external to the social model itself. At the internal level, I address one intrinsic problem of the model, which consists in its reference to the materialist framework. At the external level I present elements of a liberal perspective that helps overcoming some limits of the social model, thus suggesting the need of an alternative framework for the understanding of disability. In doing so, my purpose is to clarify some theoretical issues related to the definition and the meaning of disability as proposed by the social model and to suggest how these limits impinge on the very aims of disabled people's movements.

Finally, as this critique is conducted from outside of the disabled people's movements and the direct experience of disability, it can be considered as fundamentally external to the social model. Therefore, according to disabled theorists, this position implies a number of problems, which are mainly related to issues of emancipatory research for disabled people and, secondly, to the necessarily external point of view it advances on disability and impairment. While these possible problems cannot be either addressed or overcome here, I acknowledge their relevance and their importance for disabled people in this debate.

### **3.1 The Individual Model of Disability and Its Critique**

Disabled people and scholars, and among them primarily Oliver, have firmly rejected the theoretical framework underpinning medical and mainstream sociological theories on disability. In their critique of accredited theories, disabled scholars have delineated a specific and necessarily partial account of the complex positions they subsumed under what they defined the individual model of disability. Consequently, the present rendering of the individual model is drawn mainly from the characterisation of its opponents and, particularly, from Oliver's account of it. The social model of disability is equally complex and characterised by different

perspectives and positions. However, Oliver's understanding is recognised as one of the most important conceptualisations of the social model of disability, and plays therefore a fundamental role in this debate.

One of the definitional approaches to disability is the International Classification of Impairments, Disabilities and Handicaps (ICIDH) published by the World Health Organisation (WHO) in 1980 (recently revised in 1997 and 2001; see Bickenbach, 1999, Bury, 2000, and Thomas, 2002). This classification represents a more systematic definition than the ones in use in biomedicine in that it outlines a distinction between impairment, disability and handicap. Impairment is there seen as related to the

'abnormality in the structure of the functioning of the body', whether through disease or trauma; disability refers to the restriction in ability to perform tasks, especially those associated with everyday life and self care activities; and handicap refers to the social disadvantage that could be associated with either impairment and/or disability (Bury in Barnes and Mercer, 1996: 19).

According to the medical sociologist Bury, this classification, together with other forms of socio-medical models, tries to provide the grounds for identifying and drawing attention to the various needs of disabled people while promoting a wider appreciation of the relational character of disability when interacting with a sometime hostile social environment. It also attempts at providing a better welfare for disabled people and, in so doing, it inevitably exposes the health/illness dimension of impairment and disability (Bury, 1996: 22).

Disabled people reject this view as they identify it with the theorisation of their oppression. Oliver's criticism, in particular, hinges on two points:

Firstly, it (the individual model) locates the 'problem' of disability within the individual and secondly it sees the causes of this problem as stemming from the functional limitations or psychological losses which are assumed to arise from disability. These two points are underpinned by what might be called 'the personal tragedy theory of disability' which suggests that disability is some terrible chance event which occurs at random to unfortunate individuals (Oliver, 1996: 32).

According to Oliver, in locating the 'problem' of disability within the individual, the model identifies disability as a fixed state inherent to the single person and causally linked to a restriction of activity. In other words, the model describes the individual impairment as the cause of the functional limitations experienced by disabled people and presumes that those limitations create psychological problems, feelings of loss of identity, negative self-images and the consequent need to adapt to the state of disabled person in stages.

Oliver maintains that the individualisation of disability includes its 'medicalisation' as one of its elements (hence individual and medical are terms often used interchangeably to refer to the model). In his view, the individual model is based on the medical use of normative categories and informed by a related strong emphasis on issues of cure and rehabilitation. The medical definitions, in identifying impairment with a deficit or a non-normal individual condition and disability with its causal limitation, compare disability to abstract and ideal standards of normality and of able-bodiedness. This view, therefore, creates and justifies the necessity of medical interventions in terms of cure and rehabilitation, which are imposed with the aim of redressing the impairment and reverting the individual condition of disability back to the normal functional state or, anyway, to the nearest possible approximation. In critically illustrating this point Oliver quotes the disabled scholar Finkelstein and his experience as a person with a spinal injury 'forced' to undergo intense rehabilitation:

The aim to return the individual to normality is the central foundation stone upon which the whole rehabilitation machine is constructed. ...The rehabilitation aim becomes to assist the individual to be as 'normal as possible'. The result, for me, was endless soul-destroying hours ... trying to approximate to able-bodied standards by 'walking' with callipers and crutches (Oliver, 1996: 105).

Individualisation and medicalisation are underpinned by the personal tragedy theory of disability and, in turn, they are constitutive elements of the theory itself. Oliver argues that in defining the state of functional limitation as pathology, the individual model has helped in configuring a culturally negative image of disability. This is expressed in terms of disability as personal tragedy and as a deficit dimension in need of medical intervention. A clear example of this is, among others, the recurrence in medical classifications of terms such as handicap, with its derogatory image associated to the 'cap-in-hand'<sup>16</sup> (Thomas, 2002: 42). This process has also promoted a passive state of dependency of disabled people to non-disabled professionals seen as experts in the normalisation process advocated by medicine. Moreover, the imposition of the authoritarian and external voice of expert medical professionals on the condition of disability has undermined the voice and self-perception of disabled people.

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<sup>16</sup> The Oxford English Dictionary does not acknowledge the above meaning as associated to the word 'handicap' and provides instead the following definitions: 'disadvantage imposed on a competitor to make the chances of success more nearly equal for all' and 'anything likely to lessen one's chances of success'.

Through a materialist analysis, concerned with the relation between the individual and the modes of economic production, Oliver places the onset of the individual model of disability within the economic and institutional structure of capitalist societies. According to his view the emergence of a medical individual model of disability in advanced western societies is connected to the rise of capitalism, with its creation of ideologies and hegemonies. There are three main issues that Oliver relates to the individualisation of disability under capitalism. First, is the normative use of ideological categories of normality/abnormality. Second is the role of medical professionals. And, third, is the hegemony of disability, i.e. the exclusion and oppression of disabled people from society operated through social and economic structure imposed by dominant groups in society.

According to Oliver, under capitalism disability became understood as individual pathology, hence abnormality, and disabled people became controlled through exclusion and through the medicalising of disability. In other words, the whole ideology of normality originated within the rise of capitalism, with its needs for a workforce defined by people's capacity to be usefully trained and productively employed. It is in this process, Oliver argues, that the construction of 'able-bodied' and 'able-minded' individuals is significant 'with their physical capabilities of operating the new machines and their willingness to submit to the new work disciplines imposed by the factory (Oliver, 1990: 45-46)'. Consequently, those individuals who could not be included in the category of ability identified in terms of productivity became identified as dis-abled people.

This process is, in turn, connected with the rise of the medical profession, its dominance and its power of controlling through defining and prescribing (Oliver, 1990: 54). Oliver gives a detailed account of the rise of the medical profession within the capitalist setting, but it is its role that is worth exploring here. Oliver maintains,

As society's experts they (doctors,) have a great deal of power and this gives them control over fundamental aspects of people's lives and they have not been noticeably reticent about using this power to make decisions about disabled people's lives; where they should live, whether they should work or not, what kind of school they should go to, what kinds of benefits and services they should receive and in the case of unborn disabled children, whether they should live or not (Oliver, 1996: 36).

And it is within this framework, as seen, that Oliver and the social model theorists criticise what they name as the 'industry of rehabilitation', with its aim of restoring

people into 'normality' and into 'productive and socially useful human beings'. The medicalisation of disability has justified also the creation of a wide range of 'pseudo-professionals', like therapists, physiotherapists, occupational and psychological therapists, who thrive on the business of disability but whose activities are judged almost, if not totally, unnecessary by disabled people.

Oliver concedes:

There have, of course been substantial gains from this medicalisation of disabilities, which has increased survival rates and prolonged life expectancies for many disabled people as well as eradicating some disabling conditions. But the issue of the late twentieth century is not one of life-expectancy but expectation of life and it is here that the negative and partial view prompted by medicalisation is most open to criticism (1990: 48).

It is indeed this criticism that the social model has embodied in its framework.

Finally, the individualisation and medicalisation of disability are the constitutive elements of disability as hegemony, hence as a socially constructed category, produced by dominant groups in capitalist societies and perpetuated by discriminating and oppressive social structures.

According to disabled scholars, ultimately, the individual model is the theoretical expression of the oppression and discrimination of disabled people operated through economic, social and cultural structure, which take little or no account of the lived dimension of disability and of the voice of disabled people themselves. As opposed to that, the social model of disability sets itself the tasks of theorising and expressing disability from the disabled people's perspective, while at the same time providing a conceptual framework for the political action of disabled people's movements.

### **3.2 The Social Model of Disability**

Oliver initially conceptualised the social model of disability with reference to the Fundamental Principles Of Disability, a document produced by the Union of the Physically Impaired Against Segregation in 1976 (UPIAS 1976). The aims and the theoretical perspectives of the social model are already inscribed in its origin within the disabled people's movements and in its development as their model.

Oliver maintains that the genesis and articulation of the model are a rejection of the fundamental concepts underpinning the individual model (Oliver, 1996: 32) and that the model itself is still valuable and useful, despite several critical approaches to it, both within the disabled people's movements and from external positions. The social model aims primarily at deconstructing and countering the individual or medical model of disability with a model situated in the direct experience and understanding of disability by disabled people themselves. It also aims at addressing issues of marginalisation, oppression and discrimination while trying to denounce and remove the disabling barriers produced by hegemonic social and cultural institutions (Oliver, 1990: 11).

As mentioned earlier Oliver claims that the social model of disability does not constitute a fully worked out 'social theory' and should not be considered as such. Nevertheless, the model provides a definition of disability inscribed in the same sociological perspective informed by Marxism and historical materialism that guides his critique of the individual model. Furthermore, Oliver is aware of the limits proper to any model and recognises that the social model itself cannot explain all the aspects of disability as he maintains:

Models are merely ways to help us to better understand the world, or those bits of it under scrutiny. If we expect models to explain, rather than aid understanding, they are bound to be found wanting (Oliver, 1996: 40).

In Oliver's account the social model 'does not deny the problem of disability but locates it squarely within society' (Oliver, 1996: 32) and its definition of impairment and disability is an articulation of this perspective. The definition of disability provided by the social model refers back to the distinction originally drawn by UPIAS as one of the Fundamental Principles of Disability. Basically, disability is seen as something imposed to disabled people on top of their impairment by oppressive and discriminating social and institutional structure.

Thus *impairment* is defined as:

lacking part or all of a limb, or having a defective limb, organ or mechanism of the body; and *disability* is the disadvantage or restriction of activity caused by a contemporary social organisation which takes no or little account of people with impairments and thus excludes them from participation in the mainstream of social activities (Oliver, 1996: 22).

*Disability*, therefore, "is all that imposes restrictions on disabled people" and as such, "disablement is nothing to do with the body" (Oliver, 1996: 35) but is instead



caused by the oppression of social and economic structure on disabled individuals. Disabled people are, consequently, an oppressed group in society.

Two main issues of this definition are fundamental in the debate between individual and social model. The first is an issue of causality. Oliver, and with him Shakespeare (Shakespeare, cited in Oliver, 1996: 39) and other disabled scholars, underlines the importance of breaking the causal link between impairment and disability in trying to overcome oppression. In other words, if the individual model sees disability as a restriction of activity caused by impairment, the social model aims at breaking up this link by maintaining that disability is caused by institutional and social discrimination. It is therefore not ultimately ascribable to an individual condition. The second issue, intertwined with the previous one, is connected to the 'divide' between illness and disability. Oliver suggests that asserting the complete separateness of illness and impairment or, on the contrary, their contiguity, might have more to do with terminology than with conceptual differences. Furthermore, he concedes that there might be some similarities between the two conditions and that some disabled people may have illness at some points in their lives. However, he also argues that

disability as a long-term social state is not treatable medically and is not certainly curable. Hence many disabled people experience much medical intervention as, at best, inappropriate, and, at worst, oppressive (Oliver, 1996: 36).

As seen above, the definition of impairment and disability provided by the social model is set within a Marxist analysis of the economic and social forces of capitalism, which are considered as producing precisely the oppression experienced by disabled people. Consequently, it is worth here recalling the three main elements, central to the social model rejection of individualistic views on disability, as their analysis sets the foundations of the social model core: the use of normative categories, the role of medicine and the medical profession and the hegemony of disablement.

The core of the social model message, ultimately, hinges on three fundamental claims, which are at the same time three political standpoints. First, the social model demands the acceptance of disabled people as they are, not as society thinks they should be, and claims that it is society that has to change, not individuals (Oliver, 1996: 37). As opposed to a regulatory use of abstract ideas of normality, the social model promotes the reflection on the concept of difference and the celebration of

differences (Morris, 1991, Wendell, 1996, Thomas, 1999). Secondly, as Oliver has poignantly expressed,

this change will come about as part of a process of political empowerment of disabled people as a group and not through social policies and programmes delivered by establishment politicians and policy makers nor through individualised treatments and interventions provided by the medical and para-medical professions (Oliver, 1996: 37).

The social model argues for the full inclusion of disabled people in society and for their complete acceptance as 'citizens with all that entails in terms of rights and responsibilities' (Oliver, 1996:152). In that, consequently, it aims at addressing the issues of pressing concerns to many disabled people: independent living, poverty, education, employment, communication, transportation, accessing built environments and civil rights (Thomas, in Barnes, Oliver, Barton, 2002: 44). Finally, while claiming to contrast the hegemony of disability through the empowerment of disabled people and their movements, it reinstates its own validity as the model of the disabled people (Oliver, 1996: 42).

In the following sections I will critically analyse the social model of disability with respect to its materialist framework and its theoretical underpinnings. In addressing some limits of the social model of disability, I suggest that the model is itself problematic for the achievement of its aim of an inclusive society.

### **3.3 A Philosophical Critique of the Social Model of Disability: A Critique of the Materialist Framework**

The social model examines the relationship between disability and society and, in determining why disabled people became excluded from economic and social structure, places the answer in the emergence of industrial capitalism and its specific organisation of economic activities (Thomas, 2002: 46). Some of the leading social model theorists have addressed the position of disabled people within the capitalist society through differently oriented materialist paradigms. Finkelstein (1980) and Stone (1985), for instance, have based their analysis of disability on, respectively, historical materialism and a Weberian notion of rationalisation.

In delineating the social model of disability, as seen, Oliver adopts a materialist framework. His aim is to explain, rather than describe, what happened to disabled people with the rise of capitalism and his analysis is conducted through a materialist

view, which implies that 'the production of the category disability is no different from the production of motor cars or hamburgers' (Oliver, 1996: 127). Underpinning this view is 'a framework, which suggests that it (disability) is culturally produced and socially structured. Central to this framework is the mode of production' (Oliver, 1990: 22). It is in the articulation between the primacy of modes of production and cultural products that Oliver sees the position of disabled people in society. Thus, as seen, the emergence of the category of disability is associated to the creation of the unproductive and the dependents. According to Oliver, moreover, two more crucial factors of this process are the size of the economic surplus produced by any given society and the means of redistributing it amongst the population as a whole (Oliver, 1990: 24). To illustrate this point Oliver notes that restricted mobility, for instance, is likely to have different implications in an agricultural setting than in a nomadic one (1990:22). Similarly, a society producing a large surplus will adopt different redistributive systems than a society with a scarcity of surplus. This, in turn, will have different consequences on how disability is considered.

Gleeson has more recently gathered evidence on the historical and economical roots of disability and has expanded the materialist perspective as to argue, 'disability is bound up with social relationships at specific historical junctures' and it is therefore located spatially, temporally and economically (Thomas, 2002: 47).

Two main criticisms at two levels emerge from applying a materialist analysis to the position of disabled people in society. First, within the disability movement, disabled theorists have addressed the need to update the materialist framework 'to take theoretical account of contemporary developments in capitalist economic systems' (Thomas, 2002: 47). Furthermore, post-modernist and feminist approaches within Disability Studies have noticed the significance of culture and cultural processes in the creation of disability and have criticised social 'modellists' for having relegated this as a marginal aspect of disability (Shakespeare, 1997, Corker, 1999, Thomas, 2002). Second, two main considerations arise from an external perspective, one that entails considerations of justice. At this external level, the first question is the appropriateness of using a materialist paradigm in addressing disability issues and, secondly and consequently, the problem of what concept of distributive justice would best serve the interests of disabled people and their claim for an inclusive society.

The debate within Disability Studies is varied and encompasses different perspectives. Thomas, herself a disabled theorist endorsing a specific view of the social model, has expressed the need 'to examine whether economic arrangements characteristic of a global capitalism, or hyper capitalism ... is changing, perhaps transforming, the social position of people with impairments, for better or worse' (Thomas, 2002: 47). She goes on by expressing the necessity to questioning whether new technologies are means to inclusion or, on the contrary, to further exclusion of disabled people from the labour market. Certainly Thomas's claim is a well founded one; if we limit the field of enquiry to developed countries, the dominant cooperative framework is increasingly characterised by sophisticated information processing technology. It is evident that in such a setting, visually impaired people or people with impairments in fine motor skills of the hands, would be excluded from accessing most computing technologies, if the latter were designed only in a standardised form aimed at non-impaired people (Buchanan, Brock, Daniels and Wikler, 2002: 298, 298). Furthermore, much needs to be addressed in terms of the position of disabled people with respects to new forms of labour implying the use of such technology. Thomas's request for a reconsideration of the materialist paradigm opens up the possibility of questioning the assumption underpinning the social model. If the means of production are rapidly changing and, correlatively, so are the abilities required to being productive, then the question raises as to what the implications for disabled people are. Moreover, as Thomas herself has noticed, some forms of impairments would stand in a different relationship towards the means of production than others, thus causing changes in the presumed creation of the category of disability by economic arrangements.

A second internal criticism to the disability movement regards challenging the 'materialist prioritisation of the economic roots of disability and the contemporary operation of structural barriers in the wider social environment' (Thomas, 2002: 48). Increasingly, feminist and postmodernist theorists within Disability Studies have pointed out different dimensions to disability, which, they claim, have been downplayed by the materialist framework. Central to their critique is the role of culture and cultural processes in shaping society and, ultimately, disabled people's position in it. The concept of difference comes to be included in the disabled people's agenda, with reference not only to general cultural settings, but also to the specific culture of difference connected to gender, ethnicity, sexuality and type of impairment. Evidently, it is argued, deaf people experience a very different form of

exclusion from the one created by economic structure. Theirs is mainly related to language, communication and cultural systems, rather than to traditional barriers identified by the social model (accessing built environments, for instance). (Thomas, 2002: 48).

More radical is the critique advanced by postmodernists to the materialist bases of the social model. In postmodernist accounts,

current approaches to theorising disability as a form of social oppression and their relationship to disabled people's experience are hampered by a modernist conceptual framework, which is increasingly at odds with the contemporary social world and with developments in theory-making as a whole (Corker, 1999, p.627).

According to this view, no social phenomena, including impairment and disability, exists independently from the 'discursive practice' that has created it. Therefore, rather than focusing on material relations of power, the social model of disability should draw attention to the cultural processes that shape impairment and disability and build a model to counter 'the disability-engendering role played by cultural ideas, always negative, about people with impairment' (Thomas, 2002: 49). As Corker has noticed,

In order to bring disability theory closer ... to the politics of new social movements, ... the conceptual underpinnings of theory must be broadened beyond their current focus on structure (Corker, 1999: 627).

Much of this is still an on going debate within Disability Studies; nevertheless, the call for a framework different from the materialist one in analysing disability is increasingly emerging not only as vital part of this internal debate, but also, as external criticisms show, as necessary step for disability theory to achieve a more cohesive and coherent framework.

After addressing criticisms to the social model arising from within disability studies, I will now analyse the materialist framework underpinning the social model of disability from a theoretical perspective external to disability studies and social theory on disability. The external level argument is twofold. On the one hand, it addresses considerations of the type of cooperative framework that would achieve greater inclusion while, on the other hand, looking at what concept of justice, if any, would support it. In addressing these points it is worth recalling the requirement, at theoretical level, 'to compare actuality to actuality, and in our particular historical circumstances' (Rawls, 2001:178) and the implications that each cooperative framework has on concepts of citizen, society and their relationship.

Let us begin from the actuality of the framework. There, whilst it is clear that by making the mode of production central to his framework, Oliver and the social 'modellists' can show the discrimination of capitalist societies, it is more doubtful why the social structure suggested by the social model, would best represent and defend the position of disabled people in society. As the model is indeed based on modes of production and on concepts of productivity, it seems to rest on a scheme of redistribution of resources based on what has been named justice as reciprocity (Buchanan, 1990: 228). Thus, the model considers proper subjects of justice those with the capacity to engage productively in social cooperation, i.e. the 'deserving ones'. However, as impairment might entail the possibility or impossibility to participate in social cooperation, and at different levels and degrees, the same framework presents problems to the achievement of inclusion. Furthermore, it is quite clear that disabled people and their movement rightly aim at their full recognition as citizens, 'as citizenship determines the conditions for full membership and inclusion in a society' (Rioux, 2002: 217). In so doing disability theorists have criticised the assumption that citizenship rests on the capacity of an individual to be productive. Consequently, for the above reasons, it is not evident why and how the materialist framework would best represent the demands of citizenships and full membership in society. A final comment relates to the actualisation of the society advocated by the materialist paradigm informing the social model. Oliver concedes that the realisation of the communist society is rather unlikely and recognises a struggle between some conceptual and theoretical basis of the model and the development of effective political strategies for change. Furthermore, he maintains that different schemes of redistribution and related policies will only be possible in the chance of capitalism itself being transcended, a chance that he recognises as not likely to materialise in the foreseeable future (Oliver, 1990: 97).

In trying to unlock these issues, let us bring the analysis back to the theorisation of types of societies. Then, two considerations emerge. If

a full communist society seems to be one beyond justice in the sense that the circumstances that give rise to the problem of distributive justice are surpassed and citizens need not be, and are not, concerned with it in everyday life (Rawls, 2001: 177),

then the case for aiming at a full communist society as the more inclusive one might have a major appeal. In that case, presumably disabled people would not face the exclusion inscribed in the capitalist setting and their equal share of resources could be secured.

However, if general considerations of citizenship are brought in, together with the recognition of the fundamental importance of the fair values of political liberties and of the reasonable pluralism of democratic regimes (all issues claimed by disabled people's movements, both theoretically and in actuality), then a different theory looks more likely to accommodate the demands of disabled people. Justice as fairness, in the specific,

assumes that ... the principles and political virtues falling under justice will always play a role in public political life. The evanescence of justice, even of distributive justice, is not possible, nor, I think, is it desirable (Rawls, 2001: 177).

It is within justice as fairness, that a concept of subject-centred justice would find its space. In that justice requires that 'basic rights to resources are grounded not in the individual strategic capacities, but rather in other features of the individual herself-her needs or non-strategic capacities' (Buchanan, 1990: 231). Furthermore, these rights are based on the equal moral status of persons or, in other words, 'on the preeminent moral values of persons' (Buchanan, 1990: 235). According to Buchanan, 'To acknowledge the fundamental moral equality of persons is, first of all, to accord a certain kind of being *full moral status*' (Buchanan, 1990: 234). This view supports and implies the conviction that we owe something to each person, even to the more incapacitated to reciprocate, in virtue of their moral equal worth. Moreover, these considerations require a reconceptualisation of social cooperation, in order to recognise that different cooperative arrangements, in demanding different capacities to participate in the cooperation itself, imply different possibilities to contribute, thus setting the level at which each individual will contribute. For these reasons, social cooperation has to be evaluated in terms of justice and, as in the concept of justice as fairness, fairness is not only fairness among contributors, then justice as fairness allows a wider morality of inclusion.

In light of these considerations, ultimately, justice as fairness suggests a better framework, as a more extensive one in terms of both equal liberties and just distribution of resources, than the materialist framework underpinning the social model and presents, therefore, a theory open to a greater and more complete level of inclusion for disabled people in the social cooperative framework.

My criticism of the materialist framework of the social model of disability consists ultimately in an internal critique to the model itself, as proposed by scholars in disability studies, and in arguments provided from an external perspective, liberal

egalitarianism. This perspective informs my critique of the theoretical assumptions of the social model of disability, which I consider in the next section.

### **3.4 A Philosophical Critique of the Social Model of Disability: External Critique**

There are two premises to my external critique of the social model of disability. Firstly, liberal egalitarian concepts underpin both my critical approach and my implicit delineation of a possible, alternative framework for the understanding of disability. Secondly, the aim of inclusion, in a way a redefinition of the inclusive society advocated by disabled scholars and disabled people's movements, is kept firmly in sight as necessary and valuable element of a liberal egalitarian position.

My critique addresses three main issues. First, it considers the definition of impairment and disability in light of concepts of causality, responsibility and moral agency. Second, it analyses the place and use of normative categories within the social model and in defining disability and impairment. Finally, it explicates the concept of individual as citizen with relation to a cooperative framework, a society, where justice is the main political virtue.

#### **3.4.1 Defining Impairment and Disability: Causality, Responsibility and Agency**

The question of defining impairment and disability occupies a central and foundational place in any analysis or theory of disability and in any account of inclusion. Any given definition subsumes theoretical perspectives whilst, on the other hand, implying differently oriented policies, too. The social model definitions refer to a precise understanding of disability and, in turn, support political actions and policies that are different from those suggested by the individual model. The slogan 'change society not the individual', if taken as a basis for social policies, has evidently very different implications than the idea that it is the individual who needs to be modified with respect to certain norms. Thus, the centrality of providing a theoretically coherent definition of impairment and disability becomes self-evident. The task at hand is not an easy one, though, as the complexity of disability and impairment and the different perspectives on their dimensions suggest. Nevertheless, my critique will articulate two main issues related to the social model definition: the issue of causation and that of responsibility and moral agency.



It is worth here revisiting briefly the definition proposed by the social model theorists. The social model asserts,

It is not the individual's impairment which causes disability (Impairment → Disability), or which *is* the disability (Impairment=Disability), and it is not the difficulty of individual functioning with physical, sensory or intellectual impairment which generates the problem of disability" (Thomas, 1999: 14).

Disability is the result of social arrangements that, by placing and acting as barriers, work to restrict the activities of people with impairments. Disability, ultimately, is socially caused (Social barriers→Disability). (Thomas, 1999:14)

The claim by Oliver and other disabled theorists that disablement is a consequence of social oppression and that, 'it has nothing to do with the body' (Oliver, 1996: 35) stems exactly from the definition above. Furthermore, Oliver argues,

What is at stake here is the issue of causation, and whereas previous definitions were ultimately reducible to the individual and attributable to biological pathology, the above definition locates the causes of disability squarely within society and social organisations (Oliver, 1990: 11).

Whilst agreeing with Oliver that causation is fundamental here, I suggest that the advocated break-up of the causal link between impairment and disability, and the consequent causality established between society and disability is incorrect and needs further consideration.

One immediate intuition, the idea that impairment and disability are related, proves *prima facie* difficult to deny. As the medical sociologist Bury notices,

Without some underlying initial problem, social responses would, so to speak, have nothing to respond to. If labelling theory is invoked, some form of 'primary derivation' is necessary, if societal reactions are to have any meaning (Bury, in Barnes, Mercer, 1996: 30).

In other words, it would appear difficult to understand why society would oppress and discriminate some individuals, if there were no relation at all with a, perhaps wrongly, perceived initial state which they share. True, this needn't be a causal relation, but does not exclude it, either.

A major criticism that disabled people and theorists have raised to the social model is that it does not give any account of the element of impairment. French, among others, has convincingly described how her visual impairment imposes social restrictions, like not recognising people or not reading social and non-verbal languages in social interactions, restrictions that are unaccounted for by the social model (Oliver, 1996: 37; French, 1993). Moreover, feminist disabled scholars like Wendell (1996), Morris (1991) and Thomas (1999) have reconsidered impairment

while accepting, at different degrees, the basic assumptions of the model. Thomas, for instance, maintains:

In the everyday lives of disabled people there is a melding of the accumulated consequences of coming up against social barriers which restrict what one can do, of having to deal with emotional and psychological consequences of other people's reactions to the way we look or behave, as well as the wider cultural representations of being impaired, and (for many) of the difficulties of living with pain, discomfort, fatigue, limited functioning and other impairment effects (1999: 81).

In her account of the social model, therefore, Thomas reinstates impairment considered as impairment effects and claims that the personal experience of living with disability and impairment and their interaction should be on the Disability Study agenda (Thomas, 1999: 125).

Why is impairment an important element? I suggest a hypothetical scenario related to Oliver's claim on social oppression as causing disablement and his decisive separation of impairment from disability. Thus, if we imagine a society where barriers and discrimination against disabled people were totally overcome and therefore non-existent, how would the experience of impaired people be configured? Would such a society imply French's impairment be not related at all to any restrictions in communication? I find it difficult to think of how French could actually overcome her restriction of activity, i.e. recognising non-verbal cues, if not by overcoming her impairment altogether. So, in my understanding, French would not be oppressed, as we have imagined that oppression has indeed disappeared, but her restriction of activity, her inability to read non-verbal messages would still be there. We can extend the hypothesis to think that somehow, people would all be able to interact at different levels, verbal and non-verbal, thus allowing for French to communicate without experiencing any difference. Still, French would not be able to relate to other people through non-verbal language, unless she could overcome her impairment. Finally, even if oppression and discrimination were eliminated, where would the pain, the discomfort and the fatigue, acknowledged by Thomas as impairment effects, stand, according to social theorists? And how would they relate to restrictions of activities?

Disabled scholars have certainly considered the importance of analysing impairment as well as its effects, and, in light of that, they have even proposed the theorisation of a 'sociology of impairment' to complement their 'sociology of disability' (Oliver, 1996: 42). The framework would then be configured as follows. Disablement would be all that is referred to the systematic exclusion of impaired people from society,

and consequently, disability would be all restrictions of activity caused by disabling arrangements. Impairments would have certain effects, among them restriction of activities or pain and discomfort, but that would be a completely separate matter from disability. Hence the necessity of defining the latter 'impairment effects' and of providing a sociology of impairment.

In my opinion, rather than supplementing a theory through another one, a reconsideration of some problematic elements within the first theory would be preferable. However, let us proceed with the analysis of impairment as conducted by the disabled scholar Abberley, as his position, like the social model, raises further theoretical issues in the articulation between impairment, disability and society.

Abberley has long claimed that social 'modellists' should not have left the analysis of impairment to biological theories and should have configured, instead, a social model of impairment (Thomas, 2002: 52). In his theory of the social origin of impairment and oppression, Abberley claims that for the vast majority of the world's disabled people, 'impairment is very clearly primarily the consequence of social and political factors, not an unavoidable 'fact of nature'' (Abberley, 1987:11). This claim is certainly well founded in some of the cases Abberley quotes, which are related to impairments as results of wars, or famine, or poverty, or hazardous occupations. Where he seems to conclude with arguable generalisations, however, is when he suggests that all impairments are socially caused. He provides, for instance, the example of the degenerative process connected to osteo-arthritis. In so far as this example is concerned, the claim that impairment is socially constructed can be partially accepted if modified into the statement that *some* impairments, for *some* individuals, *in some specific* circumstances can have social components. The case of the degenerative process of arthritis when linked to specific occupations can certainly be considered as having a social element, but that does not extend to all cases and not to all people. Some people do develop arthritis independently from occupations or without having being exposed to the working conditions considered the social causes of the impairment.

Abberley presents a further argument in his analysis of impairment that may result from hereditary factors or from injury at birth (Abberley, 1987:12). His example draws from the case of Phenylketonuria (P.K.U.), a disorder associated with the hereditary inability to metabolise the amino-acid phenylalanine, which, if undetected

at birth, causes mental retardation. In Abberley's explanation, if prior to the detection and cure of the disorder it was reasonable to characterise it as congenital, it is now equally reasonable to characterise it as socially determined, as the effects of it are now emerging only in those settings in which the adequate detecting tests are not conducted. Consequently, Abberley concludes:

It would thus seem impossible to adequately draw a dividing line between genetic and environmental, and thus ultimately social, factors. Rather, the designation of genetic factors as primarily causative is itself a judgement determined by knowledge, interest and intention, in other words, a political judgement (Abberley, 1987: 12).

It is, indeed, difficult to mark a clear divide between genetic and environmental origins for some traits so we do have to address empirically the fundamental question of how intrinsic features of an individual interact with features of the social environment to produce impairment and, in some cases, disability (Bickenbach, 1999:1174). More arguable, though, is the statement that P.K.U. is therefore, a socially caused impairment. In my understanding of the contention, if every child at birth presented P.K.U. as a congenital character, and only some children were to be treated, it would certainly be true that, for those who did not receive any tests or treatment, and only for those, the origin of the impairment would rest on certain biological traits, but aggravated by a clear social component. However, as not all children present the congenital trait of Phenylketonuria, but only some and in a hereditary and therefore predictable way, Abberley's conclusion of its social cause is difficult to accept.

My disagreement with the definition of impairment and disability provided by the social model does not certainly aim at reintroducing a linear causal link between impairment and disability *sic et simpliciter* and in all cases. If we accept that society discriminates against impaired people, then we can understand the claim of the disablement structure of society, too. What I hold, ultimately, is that there certainly is a relation between oppression and disability, when society plays a strong role in excluding and marginalizing impaired people, thus causing disability. But in maintaining that disability is exclusively socially caused, the social model theorists are over-socialising their position, in other words they are attributing to society elements that are not entirely and clearly social, thus, as seen, setting a model that needs clarifications and extensions (Bury, 2000, Thomas, 2002: 44).

More specifically, the social model overlooks the impairment effects, in terms of their restriction of activities or the possible inability to perform different functions.

In so doing, it downplays the importance of the relational nature of impairment, disability, and society. Moreover, in asserting the total separation between impairment and disability, it opens up a potential 'proliferation' of terms other than disabilities, to denote inability or being unable to do things. This, if politically correct, appears less justified theoretically. Consider, for example, some forms of congenital blindness that prevent people to perform certain actions, like driving a car. This form of impairment, which relates to a clear inability and a disability if referred to driving (after all, society is currently structured as to have sighted drivers only), is certainly not a cause of inability or disability in many other possible activities, like enjoying music or cooking or acting as a state minister. It is now clearer, therefore, why some disabled scholars have voiced the need to reconsider impairment, and why medical sociologists have pointed at the relational aspect of some impairment with illness and disability. A different framework is therefore needed and I suggest that looking at the definitional issue through a different perspective altogether, would provide us with a more coherent basis for the understanding of impairment, disability, society and their reciprocal implications. I shall develop elements of this framework in the following chapters 5, 6 and 7.

Inscribed in the relation between impairment, disability and society is a final critical point addressing moral and social responsibility. In maintaining that disability is socially caused the social model of disability attributes the responsibility of disablement completely to society. In his development of a social understanding of impairment, Abberley argues that impairment is socially caused; therefore asserting that society is responsible also for the impairment it produces. However, in the light of the previous critical points and although the issue of responsibility is very complex, a few considerations emerge. First, if society causes discrimination, either politically or economically, therefore causes restriction of activity or participation, then society is responsible for the disablement in an unacceptable way. The same applies when society causes impairment, as a consequence of war, for instance.

But there are circumstances when impairment and its effects do not stem from social causes and many of the examples above have illustrated this claim. There are, consequently, different considerations related to responsibility with respect to impairment. How could a congenital impairment unrelated to any endemic condition be considered society's responsibility? Moreover, even when fully endorsing the social model position, it is quite questionable how society could be held responsible in the case of disablement connected to the activity of driving for a visually impaired

person due to congenital blindness. Finally, there are impairments that are a consequence of a person's agency, in other words of her particular actions or activities, some of which can well be highly risky activities, voluntarily undertaken. When impairment arises from a hang-gliding accident, to mention an extreme case, considerations of society's responsibility are difficult to sustain. In that case, when the sport had been voluntarily chosen with full awareness of its potential risks, when all that could be done to prevent the accident had been done and when rescue had been provided, what is society's responsibility?

Here again, the social model of disability shows the element of over socialisation and improper generalisation seen in the causal link established between society and disability, thus reconfirming the internal limits highlighted so far. These limits are emerging also from an analysis of the criticism of the social model against concepts of normality, which I address in the following section.

### **3.4.2. Normality, Difference and Rehabilitation**

The critique of the category of normality in terms of any human average functioning is a relevant aspect of the social model of disability. Social model theorists frame their position on a materialist approach that considers also postmodernist influences, mainly related to binary distinctions produced by the power/knowledge process (Thomas, 1999:117) and to the role of health care systems in individual and social control (Oliver, 1996:104, 108).

Normality, writes Oliver, 'is a construct imposed on a reality where there is only difference' (Oliver, 1996: 88) and the whole ideology of normal function and able-bodiedness stems from the capitalistic forces structuring society and controlling it through its institutions. Social model theorists oppose any idea of normality seen as ideologically constructed in order to control and exclude disabled people from the structure of a society that has no interest in accommodating them. Connected to the rejection of the concept of normality is the critical stand against issues of cure and rehabilitation, seen as oppressive powers used to convert created individual pathological states back into idealised states of normality.

My critique of this approach will, first of all, look at the internal debate within Disability Studies to then proceed with considerations drawn in from different frameworks.

Although disabled people movements and social 'modellists' alike share the critical rejection of any ideal concept of normality, the debate within Disability Studies sees different positions on the sameness/difference binary and on the materialist/postmodernist approach, too. Analyses of the question of social difference by feminist disabled scholars have played a central role in criticising and reconsidering the social model original rejection of normality and in reintroducing issues of difference into the debate. Criticisms have pointed out how the social model excludes or marginalizes differences associated to particular groups of disabled people, for instance women and ethnic minorities, and how the model itself does not represent the interests of people who have particular forms of impairments, for example learning difficulties or mental illnesses (Thomas, 1999:101).

Some positions, however, expand this point further and aim at reconsidering the biological differences, which have provided the basis for the discrimination between disabled and non-disabled people. Disabled feminist scholars like Wendell (1996) and Morris (1991), for instance, while being well aware of the cultural and social meanings associated with 'normality' and 'abnormality' and their parallel postmodernist deconstructions, nevertheless reintroduce in their analysis elements related to the biological domain. Let us consider them briefly.

Wendell's approach to bodily differences 'appears to accept that there *are* biological differences which really do set some bodies apart from others' (Thomas, 1999:105) and that there are specific experience and knowledge arising from these differences. According to Wendell, moreover,

it would be cruel, as well as a distortion of people's lives, to erase or ignore the everyday, practical, experienced limitations of people's disabilities (restrictions of activities) simply because we recognise that human bodies and their varied conditions are both changeable and highly interpreted (Wendell, cited in Thomas, 1999:106).

Wendell points to the valuable addition to knowledge and experience that these differences bring about and suggests how, while setting some people apart from others, these elements enrich and expand our culture.

Similarly, Morris argues that what prevents a value free use of the word 'normal', in terms of 'that which is common', is the high prejudice associated with the recognition of difference in terms of all that is undesirable, wrong, not admirable, therefore, negative (Morris, 1991:15). This has led to the denial of difference in an

attempt to overcome discrimination. Nevertheless, Morris argues further that, 'we *are* different. We reject the meanings that non-disabled world attach to disability but we do not reject the differences which are such an important part of our identities' (Morris, 1991:17). Morris mentions physical and intellectual characteristics that distinguish disabled people's experience from that of the majority of the population and the different needs arising from these differences. Moreover, she claims that assumptions of disabled people's desire to be or become normal are not only utterly wrong, but one of the main sources of oppression for disabled people themselves. Finally, in asserting the importance of disability and illness as part of human experience, like in Wendell's position, Morris reclaims the value of disability and the celebration of differences (1991: 38).

Despite its important internal articulation, the debate within Disability Studies on issues of normality and difference can be subsumed in the advocated 'celebration of differences' as the guiding value for an inclusive society. However, even if at a *prima facie* moral level, accepting the celebration of differences appears highly valuable, at a more critical analysis this position shows its difficulties.

In dealing with the issue of normality the social theory of disability faces two main limits. First, it seems to deconstruct perfectly the ideology of normality and its social components, without being able, however, to provide a model or a different scheme against which evaluate functioning and its implications. This guides us to the second problem, namely that, in advocating the celebration of differences, disabled scholars appear to lose sight theoretically of the implications of their own claims, when referred to their political aims, that is, for instance, their demands for independent living and personal allowances. Why is this?

The rejection of normality as a guiding concept, if applied consistently, leads to some untenable conclusions, both theoretically and practically. If we deny normality seen in terms of average human functioning, how would we evaluate impairment and disability? Would any functioning or non-functioning be considered equally in a social theory of disability? What could then constitute impairment/disability? What constitutes non-impairment? Paradoxically, the social model of disability could be brought to its limits by saying that if there is no normal functioning, there is not non-normal functioning therefore impairment and disability do not exist.

Secondly, how can we celebrate differences and then distribute resources accordingly? Against which principle should resources be devoted to a wheelchair



user as compared to a non-impaired person? Should we then say that being different is the guiding principle? A further question would then arise: different from what? Finally, the rejection of normality could indeed end up creating another category, that of difference, which, ultimately, appears more problematic and less coherent with the very aims of disabled people's movements. To illustrate this point through an example, consider the claims of independent living and the demand for personal assistance provided and supplied to disabled people as a matter of right. How could we sustain those claims while at the same time negating a departure from human average functioning in the case of some impairment and disability? True, each person experiences some need of assistance in different forms and at different points in their lives, but there are impairment effects that lead some people to a more significant and continued use of personal assistance or mobility aids than others. Ultimately, in my opinion, the total rejection of the concept of normality and either the lack of a reference concept or its substitution with an unspecified concept of difference shows, not only theoretical and political limits, but also a mismatch between the theoretical basis of the social model and some of its practical, political aims.

The rejection of normality is directly linked to a stringent critique, as seen above, of the medical professions and of issues of cure and rehabilitation. The social model clearly articulates its rejection of any form of medicalisation of disability while, at the same time, but to a much lesser extent, recognising the valuable contribution of medicine to the well being of many disabled people. In this critical position, however, the social model shows the oppressive power of medicine and rehabilitation, somehow unilaterally, without fully acknowledging their benefits to disabled people.

It is worth recalling Oliver's suggestion that although medicine has increased survival rates and prolonged life expectancies for many disabled people, the issue is now not connected to life expectancy, but expectations of life (see above, and Oliver, 1990: 48). If the meaning of expectations of life is indeed a rendering of the more general concept of well being, then, it is clear how social theorists have lost sight of the fact that medical intervention has actually promoted both, life expectancy and expectancy of life, for disabled people. It is also (although not only) through the improvement of some medical conditions that disabled people can now participate in activities once inaccessible to them. For instance, medical intervention, together, of course, with non-discriminatory policies, has opened the

possibility of access to labour market for many disabled people, thus providing a wider range of opportunity than before. This point also sheds an alternative light on the social analysis of the collusion between medical power and rise of capitalism as forces of oppression and segregation, restraining disabled people from a full participation in society, given their presumed inability to sustain pressures in the workplace. Sure, the same analysis could now point out that it is due to the impossibility to meet the increased costs associated to the dependency of disabled people that they are now allowed to re-enter the workforce. However, even when that sustained, the previous consideration in relation to the wider opportunities provided by medical intervention, still holds.

Finally, some remarks on the possibility of rehabilitation or, as named by social theorists, on the 'adjustment industry'. Here the argument goes that if society really were to give equal respect and consideration to disability, then it would not insist on the ideology of the able-body in an able-mind and would not conversely see in rehabilitation the only way out of the personal tragedy of disability. While these claims are very important insights into the issue of rehabilitation, there is another set of considerations attached to rehabilitation, which the social model, in its more than justified rejection of oppression, ends up overlooking. These include both an element of actuality and a theoretical element. The former is related to the improved functioning and the increased well being possibly associated to some forms of rehabilitation. After all, as Oliver himself maintains, the expectation of life for people with spinal cord injury is now possible due to the improved medical practice and rehabilitation provided (Oliver, 1988). However, a theoretical perspective on issues of rehabilitation, which includes a reference to autonomous choices, seems more important. In his extension of the Rawlsian theory of justice aimed at considering the position of disabled people, Brighthouse sees the notion of rectification of the disability as one possibility that should be available, but on grounds of it being 'waivable'. 'This reflects the idea that ...individuals are expected to take appropriate responsibility for their conception of the good life' (2001: 554). In this case, individuals could choose – autonomously – whether or not to undergo physical rehabilitation or whether or not to accept medical intervention as part of their resource distribution. The important issue, ultimately, is that they should be provided with that choice and that the option should be therefore left to the autonomous choice of the individual, a perspective that the social model, in its criticism of

rehabilitation, has not explicitly stated. This element relates ultimately to considerations on individual, society and their relation.

### **3.4.3 Individual, Individualism and Liberalism**

Social theorists' basic assumptions about the relation between individual and society are mainly drawn from a Marxist view. Oliver, for instance, maintains, 'My own view is that we are only social beings; without society we cannot exist' (Oliver, 1996:146). Within a materialist view of this kind, social model scholars refer the concept and the analysis of the individual mainly to economic and cultural forces of capitalism. Throughout Oliver's analysis of the politics of disablement, for instance, and in further works by different social theorists (see, among others, Oliver, 1990; Barton, 1996; Barnes, Mercer, Shakespeare 1999; Tremain, 2001), notions of individuality and individualism are related to the individual model and to the ideological construction of the disabled individual. The latter, according to social model theorists, sees individuals 'as commodity for sale in the labour market' (Burton cited in Oliver, 1990: 67) or as the 'isolated private individual' detached from larger social groupings (Oliver, 1990: 44). Consequently, the individual in the social model is inscribed in the parameter of individualism and the accent on individualism is a negative one; individualism is the ground for the emergence of distorted images of disability.

In referring to Lukes's discussion of individualism in general, however, Oliver makes a brief and isolated concession to the gains of individualism. These consist in 'the breaking down of traditional hierarchies and privileges and in establishing the legal rights of individuals' (Oliver, 1990: 59). Oliver endorses Lukes's claim that,

If equality and liberty have to be taken seriously, then these gains have to be transcended (through enforcing) the view of un-abstracted individuals in their concrete, social specificity, who in virtue of being persons, all require to be treated and to live in a social order which treats them as possessing dignity, as capable of exercising and increasing their autonomy, of engaging in valued activities within a private space, and of developing their several potentialities (Oliver, 1990: 59).

Equal dignity, the opportunity to become autonomous and to exercise autonomy, engaging in one's own valued activities, the developing of one's own potentialities are all elements of the liberal egalitarian view of the individual. The same liberal egalitarian view that has been intrinsically deconstructed and rejected by social theorists as assimilated to the construction of individualism. I suggest that this rendering of concepts of individual in terms of individualism and the assimilation of individualism to liberalism is indeed wrongly conceptualised. If we examine this

claim further, moreover, what emerges is that all the positive elements gained by what has been named individualism are indeed coinciding with aims of the social model of disability. It appears clear, therefore, that the negative image of individualism and, consequently, the implicit rejection of liberalism as a possible framework for understanding disability need serious reconsideration. Furthermore, I suggest that, if equality and liberty have to be taken seriously – and no doubt social theorists and disabled movements do consider them seriously – then they have to be enforced also at a theoretical level and in a normative way, for individuals defined as free and equal persons, thus subjects of equal moral worth. When such a framework has been provided theoretically, then the practical implications at a policy level are more likely to follow, thus allowing for the un-abstracted disabled individual to fully claim for her rights in her concrete, social specificity.

The debate in Disability Studies has been recently enriched by a more articulated reflection on issues of rights and citizenship. Rioux, for instance, maintains, 'Setting the boundaries for citizenship frames the rights and the responsibilities of citizens and the elements of both state and individual responsibility.' According to Rioux, however, disabled people are still lacking in both, rights and capacity to participate as citizens, due to legal structures and social barriers (Rioux, 2002: 216, 217).

Rioux then explicates an important relation in that she maintains,

The way governments allocate their resources is a reflection of their interpretation of citizenship and rights and the role of the state. ... Disabled people have never been included in the mainstream of social rights (Rioux, 2002: 225).

Therefore, considerations of rights and entitlement in Rioux's position are linked to the importance that the goals of the struggle for social change be recognised as freedom and autonomy (Rioux, 2001: 47). This shift towards freedom and personal autonomy opens the discussion within Disability Studies to the concepts underpinning liberalism. In this recent shift, ultimately, Disability Studies are closer to the perspective I suggest as fundamental in providing a different framework for a reconsideration of impairment, disability and society.

## **Concluding Comments**

Trying to engage with the complex debate internal to Disability Studies, my analysis has presented two main critiques of the social model, an internal and an external

critique. At the internal level I have addressed issues related to the materialist framework underpinning the social model, whilst, at the external level, I have analysed some limits of the model definition and its rejection of normative categories, as well as concepts of the individual in relation to society.

My main contention is that the social model of disability presents theoretical limits in its attempt to define disability and its demands of justice for disabled people, which can be avoided through a different framework. I have illustrated the arguments supporting my critique by analysing internal and external problems. I have endorsed an internal critique to the materialist framework underpinning the social model by claiming that new economic arrangements, and the use and introduction of new technologies, urge the model to reconsider the accent on materialist structures. I have argued, furthermore, that the materialist framework and the cooperative scheme it supports are not the best perspectives to represent the interests of disabled people in society. This, I have suggested, is due to the model of redistribution of resources and the concepts of justice implied by the materialist paradigm, as they are still inscribed in concepts of productivity and reciprocity. Opposed to that, I have proposed a liberal framework as a more extensive one in terms of justice and liberties, due to the concept of justice that it implies, namely, subject-centred justice. As the former is based on the equal moral worth of persons, I have argued, it is open to a more inclusive view of social cooperation.

I have also maintained that the definition provided by the social model presents three main limits. First, it over socialises aspects of impairments and disability, sometimes conflating oppression and disability, and therefore ultimately proposing improper generalisations. Secondly, I have claimed that the social model overlooks the effects of impairment and in so doing ends up downplaying the relational aspect of impairment, disability and society. Furthermore, I have suggested that the rejection of the concept of normality in its meaning of average human functioning, although understandable and justified in deconstructing oppression, can theoretically lead to unwanted conclusions. Finally, I have proposed that the critique of individualism and its related understanding of the concept of individual has to be reconsidered, especially in light of the social model's aims. In trying to overcome these limits, I have touched upon the concepts and principles of a different framework, the capability approach, as part of the liberal framework underpinning my critique.

As a concluding note I suggest that, despite its internal limits, the social model of disability nevertheless acts as a powerful and important corrective to our understanding of disability, to simplistic views about the experience of disability and, more importantly, to the oppressive nature of some social arrangements. This is the actual powerful core value of the model, its constant reminder to face issues of inclusion as fundamental moral issues.

In the next chapter, I present and critically analyse perspectives in inclusive education, which are mainly related, both theoretically and politically, to the social model of disability.

## **Chapter 4**

### **The Social Model of Disability and Inclusive Education**

The social model of disability has substantially influenced the debate on inclusive education and, in particular, the sociological perspectives of the debate. Whilst endorsing the social model theoretical and political framework, these perspectives apply them to the definition of learning disability and to the conceptualisation of inclusion in education. This chapter critically presents both levels of application of the social model of disability to education: the definitional level and the level of policy proposed. More specifically, the chapter outlines some of the limits of sociological perspectives in inclusive education and maintains that these limits parallel those identified for the social model of disability. The upshot of the discussion is that, as in the case of the social model, social theories of inclusive education operate in the absence of a principled framework. This, whilst related to the definition of disability they endorse, is of hindrance to the achievement of their own inclusive aims.

#### **Introduction**

The idea of inclusion is currently shaping the debate on disability and special education. Complex and elusive at the same time, the concept of inclusion is underpinned by different educational and political perspectives. Its connection to the idea of an inclusive society, which demands the full participation and equal recognition of all people and groups in society, has informed the more political orientation of perspectives of inclusive education, while at the same time forming the basis for 'bold moral and political rhetoric' used by politicians and bureaucrats to different purposes in different countries (Clough and Corbett, 2000:7).

The idea of inclusion in education has developed alongside changes in special education, but also, and more fundamentally, in opposition to the theory and practice of special education itself. As outlined in chapter 2, in the last fifty years

special education in Western countries has changed considerably<sup>17</sup>. This change has taken place in three main phases: from initial perspectives that sought to educate disabled children in segregated institutions, through an integrationist phase, which supported the education of disabled children in mainstream schools, until the more recent emergence of policies of inclusive education. This development in the provision of special education has been accompanied by a theoretical shift, from positions based entirely on medical definitions of disability and learning difficulties, thus centred on the individual child seen as having some 'deficiencies', to positions analysing the limitations of school contexts and educational practices, through to the more recent understanding of disability and special educational needs as wholly socially constructed.

The theoretical underpinnings of ideas of inclusive education reflect their developments by theorists working in special education, as well as the variety of approaches that have contributed to their conceptualisation. Psycho-medical disciplines, sociology of education, curricular approaches and school improvement strategies and, lately, the area of disability studies have all provided different theoretical insights to the area of inclusive education<sup>18</sup>. While all these perspectives represent fundamental aspects of the debate, my analysis in this chapter will intentionally focus only on the contribution from positions informed by disability studies. More specifically, it will focus on the theoretical convergence of the social model of disability with sociological perspectives on inclusive education, and on some of their common theoretical and political claims. The aim of my analysis is to show how the same theoretical limits identified in the social model of disability constitute fundamental limits to a coherent theory of inclusive education, too.

This chapter is organised in three sections. The first concerns the conceptualisation of inclusive education presented by sociological perspectives. The second section briefly outlines the political claims underpinning this conceptualisation of inclusion, whilst the third and final part presents elements of a philosophical critique of sociological perspectives in inclusive education. My critique highlights how these perspectives operate in the absence of a coherent theoretical and normative framework, and are consequently unable to sustain the force of their claim for equal consideration and equal provision for disabled children and children with learning disabilities.

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<sup>17</sup> Chapter 2 provides a more detailed analysis of the development in special and inclusive education.

<sup>18</sup> See Clough and Corbett, 2000: 3, 51.



#### 4.1 Inclusive Education: a Process Towards an Inclusive Society

According to perspectives in sociology of education, inclusion in education represents a fundamental challenge to existing theories and practices, which extend from special needs education to the broader context of general education. Inclusive education is directly linked to the idea of an inclusive society and the role of education is seen as fundamental to that achievement. Barton maintains,

Inclusive education is not an end in itself, it is a means to an end, that of establishing an inclusive society. Thus, the notion of inclusivity is a radical one in that it places the welfare of *all* citizens at the centre of consideration. (Barton, 1998: 84.)

Furthermore, according to the same scholar,

inclusion is a process. Inclusive education is not merely about providing access into mainstream school for pupils who have previously been excluded. It is not about closing down an unacceptable system of segregated provision and dumping those pupils in an unchanged mainstream system. Existing school systems in terms of physical factors, curriculum aspects, teaching expectations and styles, leadership roles, will have to change. This is because inclusive education is about the participation of all children and young people and the removal of *all* forms of exclusionary practice. (Barton, 1998: 84-85).

This conceptualisation of inclusive education directly and immediately relates it to perspectives in disability studies and, specifically, to the social model of disability. The adoption of the social model framework, with its emphasis on disablement as primarily caused by social structures and institutions, is evident in the definition of 'inclusivity' as the process of removal of all exclusionary and disabling barriers in education, and in the fundamental role accorded to the latter in the achievement of an inclusive society<sup>19</sup>.

Two further positions, moreover, are theoretically related to the framework of the social model of disability. The first is the shift from a perspective that individualises the problem of disability and special educational needs to a view that locates the difficulty or deficit within social institutions, therefore within individual schools and education systems more generally. The second position, related to the first one, conceptualises the social construction of special educational needs and learning difficulties operated by education and schooling structures. Social theorists claim that education policies and school settings, in imposing the implementation of specific structures, curricula and standards of achievements, act as disabling

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<sup>19</sup> See Oliver, 1996.

barriers, excluding de facto a wide number of children from its supposed mainstream. According to these positions, therefore, the question to be asked is why schools fail to teach so many pupils successfully. Furthermore, it is through these positions that issues of inclusive education widen from considerations referred primarily to disabled children to a more general perspective that encompasses a response to pupils' diversity in an inclusionary way<sup>20</sup>. Finally, these positions also situate inclusive education in a larger political movement, which, while considering technical issues as marginal, primarily questions the organisation of society and declares the celebration of differences as its fundamental political aim. But let us analyse these two positions in more detail.

The first concept relates inclusive education to the critique of the psycho-medical approach by the social model. According to sociological views special education originated precisely from the development of the 'pathology of difference' within medical and psychological disciplines (Clough and Corbett, 2000: 11). Thus medical and psychological views applied to education locate the supposed deficit or the abnormality within the individual child, while trying to compensate for the inherent deficit through medical and clinical intervention. Reflected in educational theories, this position implies the essentialist view that individuals possess inherent characteristics, thus leading to definitions in terms of the amount of intelligence, or ability or skills and general capacity proper to the individual child, without any further consideration for methods of assessments, let alone elements of the wider social and educational context. Although this approach has informed pervasively special education and its effects are still currently relevant, a clear example of it is the educational practice essentially informing the segregationist phase of special education. During that phase children were assessed by clinically based procedures and medically categorised. This process of categorisation, while 'pathologising' pupils' responses, introduced also the discriminatory categories of normality and abnormality. Pupils identified as abnormal were therefore placed in segregated institutions and provided with a *special education*.

Tomlinson (1982: 21) has pointed out how medical and psychological perspectives in special education can actually become deterministic, especially if the emphasis is placed on individual causation. Moreover, the same author has addressed the problems posed by medical and psychological definitions used to special education

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<sup>20</sup> See Ainscow, 1999:183.

purposes, in the 'conflation' between *normative* and *non-normative conditions*. Tomlinson adopts here a 'positivistic' account of the concepts of normative and non-normative situations. In this sense, normative conditions are seen as related to some clearly identifiable physical and biological states. Non-normative conditions refer instead to those situations that are not directly related to medical or biological factors. According to Tomlinson if the application of medical definitions is generally unanimous in the case of physical disabilities, the situation is rather more complicated and certainly socially constructed in the case of supposed learning disabilities. Thus, for instance, if deafness and cerebral palsy are categories normatively agreed upon by professionals and readily applied to educational settings, categories used to classify learning difficulties do not have a normative status, in that they do not relate clearly to biological or medical conditions (as, for instance, categories like maladjustment or educational sub normality), and are therefore subject to the structural and cultural factors proper to social interpretation. This, in turn, is due to the fact that 'there are no adequate measuring instruments or agreed criteria in the social world to decide upon these particular categories, whether descriptive or statutory.' (1982: 65.) Moreover, this social interpretation of non-normative conditions is reflected in the historical changes in the descriptions and use of these categories.

Tomlinson claims that psychological and mental testing and, later on, the complex and contentious debate on IQ<sup>21</sup> are significant examples of the social element inscribed in categories used to classify learning disabilities. When first established at the beginning of last century mental testing procedures, while labelling some children as abnormal or educationally subnormal, had the main purpose of separating and removing large numbers of children from normal schooling and of placing them in special educational settings. Data from that period show, however, that in England the vast majority of children identified as abnormal or uneducable were mainly from very poor social and economic backgrounds, if not entirely from the working classes. Later on, the sets of criteria applied became more complex. A child could be defined as educationally 'backward' but with a high or low IQ; 'he or she could be ESN (educationally subnormal) without requiring special schooling, or could be of above average ability and still require special schooling.' (Tomlinson, 1982:63) Still further on, in the early 1970's, psychologists started to rely less on IQ

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21 The debate on IQ (Intelligence Quotient) is used here only for the purpose of illustrating the non-normative status associated to psychological notions.

testing and to apply instead specific sub-tests in order to provide educational programmes that could reinforce the defined cognitive disability and compensate for the assessed deficit.

Social theorists of inclusive education provide these examples to show the individualisation and 'pathologisation' of disability as consequences of medical models applied to education. According to social theorists, moreover, these examples are used to illustrate also the social construction of the presumed deficit and disability, thus relating to the second main argument connecting the idea of inclusive education to the social model of disability. Parallel to this model, inclusive theories in education critically address the exclusion and marginalisation of children from mainstream schooling through their categorisation as educationally abnormal and therefore, uneducable. They further link this process, both historically and sociologically, to the emergence of industrial societies with their requirements in terms of mass schooling and educated workforce. Furthermore, according to these inclusive perspectives, this process is also related to the empowerment of medical and educational professionals. On the one hand, therefore, special institutions were created to accommodate the children categorised as different and difficult to educate in mainstream schooling, while, on the other hand, powerful groups in society determined, through classifications and institutionalisation, the abnormal child as opposed to the normally able one. Thus, according to Tomlinson,

sociologically, the history of special education must be viewed in terms of the benefits it brought for a developing industrial society, the benefits for the normal mass education system of a 'special' sub-system of education, and the benefits that medical, psychological, educational and other personnel derived from encouraging new areas of professional expertise (Tomlinson, 1982: 29).

These themes relate consistently to the critical analysis of the individual model provided by the social model of disability, in that they see the relation of power between social groups and the dominant, hegemonic imposition of some groups on others, in this case medical and educational professionals on parents and their children. In Armstrong's words, 'the traditional special education discourse is one in which the voices of the profession dominate.' (Armstrong D. in Armstrong F. & Armstrong & Barton, 2000: 135.)

These perspectives, however, have stressed the social construction of special educational needs operated not only through medical classifications, but also by specific educational structures, in terms of policy, curricular approaches and cultural and relational aspects proper to the learning process and the school environment.

Thus, touching upon curricular perspectives in inclusive education, for instance, can help illustrate the claim of the social construction of special needs more concretely. Clough and Armstrong have both pointed out how the curriculum as a 'cultural scheme' (Clough, 2000:18) and as 'concerned with the ways in which different kinds of knowledge and the values which underpin them are transmitted by schools' (Armstrong, 1998: 56) can actually either sustain and promote differences between pupils or, instead, produce students who fail. According to some curricular perspectives, therefore, the elevation of particular kinds of knowledge as the main aspect of a curriculum ends up producing unsuccessful students, and therefore students with different or special needs. Hence, for example, Clough argues that the elevation of the cognitive-intellectual domain above all the others, 'in valuing and rewarding a particular form of thinking, typically provides the basis for defining the students with learning difficulties.' (Clough, 1998:7.) Ultimately, the curricular perspective on inclusive education aims at showing how a curriculum based uniquely on abstract forms of knowledge would discriminate between students in a different way and to a different degree from that associated to a broader curriculum, one including, for instance, aesthetic-creative or physical-motor domains as well.

Consequently, by contrast to psycho-medical positions and in agreement with social model theorists, social perspectives on inclusive education see the category of special educational needs as the product of educational processes implying exclusionary practices and oppressive structures. The key concept at play here, therefore, is not the difference in individual ability, but the ability of the school system and of the single school to respond to individual differences. More specifically, the key concept is the 'celebration of difference' where 'difference is not a euphemism for defect, for abnormality, for a problem to be worked out through technical and assimilationist education policies. Diversity is a social fact' (Armstrong & Barton, 2000:134) and as such, it should be understood and celebrated. Moreover, according to Barton,

inclusive education is thus about responding to diversity, it is about listening to unfamiliar voices, being open and empowering all members. It is about learning to live with one another. The question of listening is a particularly important issue when applied to individuals and groups who have had their voice marginalized. ... Thus, the importance of listening to disabled pupils is crucial (Barton, 1998: 85).

This last point refers in turn to the importance of creating inclusive learning (Tomlinson, 1996), based on listening to the voices and the requirements of the

individuals while adapting educational institutions to the demands posed by different learners. Male endorses this position by stating that, 'Inclusive learning can be described as 'the greatest degree of match or fit between the individual learner's requirements and the provision that is made for them' (Male, 2000: 3).

These considerations lead us to address the themes upon which these views on inclusive education theorise inclusive schooling. More specifically, the principles informing inclusive education give way to a certain 'educational culture' (Corbett and Slee, 2000:143), which is expressed through curriculum, pedagogy and through the organisational structures and the ethos of the institution. Inclusive schooling, consequently, demands the reconstruction of schooling in terms of

different approaches to classroom organisation, the way teaching occurs, to the development of curriculum content and materials, to assessment and reporting to the process of school and community interaction and decision making (Corbett and Slee, 2000: 144).

The educational culture supported by inclusive education, moreover, does not take place in a policy vacuum. Inclusive education begins from the context of policy (Corbett and Slee, 2000:137). However, this should not mean 'to be a technical problem for resolution through bureaucratic mechanisms and the deployment of resources and professional expertise' (Corbett and Slee, 2000:142). Inclusive education begins from the context of policy in that it does imply addressing the whole educational and schooling culture through addressing the policy underlying it. What inclusive education is about is a change in the ethos informing educational policies and, therefore, the schools' culture (Oliver, 1996: 87).

This very last point relates to the more political aim of sociological perspectives in inclusive education, that of contributing to the realisation of an inclusive society, which values differences. In Barton's words,

Our own starting point is that inclusive education is inextricably linked to a political critique of social values and practices and the structures and institutions which they support. The analysis of 'value' must explicate the role of education in the production and reproduction of different values. ...In struggling for the implementation of inclusive practice we are engaging in a political process of transformation (Barton, 2000:11).

And it is to the political dimension of these perspectives that I shall now turn my analysis.

## **4.2 Inclusive Education: Rights, Entitlements and Opportunities**

Inclusive education is primarily political as it is concerned with the inclusion of all citizens in a participatory democracy (Armstrong et al, 2000; Barton in Clough and Corbett, 2000: 53). Its political dimension stems both from its commitment against exclusionary policies and practices and from its theoretical convergence with the social model of disability and the political struggles of disabled people's movements.

The first, important element of this political aspect of social theories on inclusive education consists in the challenge to the social and educational conditions that shape difference as disadvantage and abnormality and combine to generate policies and practices of exclusion. It also consists in understanding and overcoming oppressive power relations, which, through the categorisation by professionals, act to relegate disabled people's identities to the ideology of needs and care. Furthermore, it consists in critically engaging with current practices and perspectives with the awareness that their institutional settings are neither neutral nor a-historical. Finally, this political dimension acts against any form of individualisation of disability or special educational needs while challenging the alleged expertise of professionals. In doing so, the political struggle of inclusive education aims at reinstating the voices of disabled people and disabled children into territories where they have been historically excluded.

These elements of a politics of inclusive education connect issues of inclusion in education to the political struggle of disabled people's movements identified as part of the new social movements, whose political aim is that differences should be respected and promoted. These elements, furthermore, contribute to the outlining of inclusion in terms of entitlements of disabled people and disabled children to the benefits and opportunities entailed by rights of citizenship.

Inclusive education as a matter of rights, and, specifically, human rights, is central to the debate on inclusion. Barton, for instance, starts his challenging questions for a project of inclusive education by asking precisely: 'In what ways is inclusive education a human right issue?' (Barton, 1988: 86). Subsumed in this question is a complex political view characterised principally by theoretical positions that link human right issues to a project of social justice understood in terms of celebration of differences, thus in the participation of all groups in the process of democracy. In other words, this view assumes the politics of difference as central to its project, while seeing difference in terms of group differences.

Moreover, the political dimension advocated by social theorists of inclusive education, in embracing the stand of disabled people's movements, identifies the struggle for inclusion in terms of the critique and the removal of the exclusionary barriers experienced by disabled people in society as well as by disabled pupils in schools. Here is where the alternative understanding of disability and of special educational needs comes in, in the uncovering of the social origins of disability operated by disabling structures; a process, which, in turn, acts as starting point for the struggle for the recognition of disabled people's and children's human rights.

Social theorists of inclusive education insist on the fundamental importance of understanding human rights in their precise political dimension, thus related to the specific historical and social situation experienced by disabled people and children. In highlighting the concrete 'situatedness' of human right issues, social theorists express their rejection of an obscure rhetoric of rights, voided of political content and, therefore, unable in itself to bring about the essential changes required by inclusion. They maintain that these changes should concern specifically the social structure causing disability, but also 'the relations of power and control that underpin the construction of the interests of some as the needs of others' (Armstrong, F. & Armstrong and Barton, 2000: 9). As the same authors claim, finally,

It is important therefore to understand demands for 'human rights' in terms of specific historically located objectives. In other words, to organise around demands that contest the embodiment of dominant social interests as the 'needs' of those who experience discrimination (Armstrong et al, 2000: 10).

The political dimension of human rights, according to this view, relates to the politics of difference in that the rights of disabled people are enacted in the recognition of their difference as a value and, therefore, in its celebration. This is the main alternative understanding of disability as proposed by the social model, together with the struggle against all forms of discrimination. Furthermore, difference in this context means groups' differences, rather than individual, specific differences, but it also means *all groups* in society rather than groups identified on the basis of official and institutionalised categorisations. (Armstrong F. & Armstrong & Barton, 2000: 8.) Thus, 'inclusive education begins from the context of policy and the recognition of the complexity of identity and difference.' (Corbett & Slee, in Armstrong F. & Armstrong & Barton 2000:137.)



This perspective is theoretically outlined against liberalism and the principle of equality of opportunity, seen as an empty rhetorical stance, which limits the possibility of inclusion. According to Armstrong and Barton (2000),

Where calls for 'inclusive' schools and practices are limited by a framework which appeals for 'equal opportunities', or understands the 'rights' of disabled people in universalistic rather than political terms, no serious challenge is made to the conditions under which discriminatory and exclusionary social practices operate (Armstrong F. & Armstrong & Barton, 2000: 11).

Moreover, according to the same authors,

The apparently high profile which has been given to 'equal opportunities' in many European countries, both at the level of government policy and at the level of institutions over the past 25 years, has masked the real inequalities which exist in between different groups in terms of access to experience, opportunity and power. This is particularly true of equal opportunities in the context of education. (Armstrong F. & Armstrong & Barton 2000: 5.)

Furthermore, policies for equal opportunities are seen as ineffective in changing the power structures in society, as they have been concerned mainly with improving opportunities for some groups within certain contexts, rather than promoting opportunities for all groups in an inclusive project. This has resulted in dividing policies, which have ameliorated opportunities for some while neglecting others. Examples of this situation are easily found, according to these theorists, in the case of priorities accorded to some groups on the basis of certain features, like race or gender, or, within the same group, in instances where tax benefits have been conceded to blind people but not to deaf people, thus producing divisive results.

Consequently, while rejecting a liberal concept of equality of opportunities as 'a bogus discourse' (Armstrong F. & Armstrong & Barton 2000: 5), at least in the way government policies, legislations and institutions have concretised it, the political framework of inclusive education is based instead on the demands of the rights of disabled children as inscribed in the critique of what constitutes normality. As Armstrong et al. have pointed out,

in the absence of such a critique, notions of 'opportunities' and 'rights' rest upon an understanding of 'normality' that reflects the partial self-interest of dominant social groups in our society. (Armstrong F. & Armstrong & Barton 2000: 11.)

Is this really the case? In the next paragraph I shall outline my critique of these positions and provide some arguments showing the difficulties that an inclusive political project understood in terms of politics of difference will have to address.

### **4.3 A Philosophical Critique of Social Perspectives in Inclusive Education**

Inclusion as outlined in the previous section is a powerful moral and political position, difficult to reject but equally problematic to articulate in its precise content, both politically and educationally. Fundamentally, my intention is not to reject a defensible conception of inclusion in education, but rather to endorse a specific understanding of it in relation to the wider political perspective of a more just society. An inclusive society appears intuitively more just than an exclusionary one. However, specifying the precise morality of inclusion, in terms of concepts and political elements, is fundamental not only for a coherent theoretical position, but also for an effective political action. My overall critique of social accounts of inclusive education argues that its unspecified and often confused use of theoretical and political concepts, leads not only to a limited theory, but to a very questionable political position, too.

My critique of the concept of inclusion as outlined by sociologists of education will focus on some elements of the theoretical framework underpinning inclusive education and will be conducted along the lines of my analysis of the social model of disability<sup>22</sup>. My aim is to show that, while rightly addressing its moral dimension, current conceptualisations of inclusive education based on the social model of disability are hampered, both theoretically and politically, by the same limits addressed as problematic in the social model of disability. Consequently, my critique of this conception of inclusive education will address two main points:

- i) The social construction of disability and special educational needs;
- ii) The adoption of a politics of difference as opposed to and as rejection of a liberal framework and, within it, the confinement of the problem of resource distribution, seen as a mere technicality, to what are considered marginal aspects of the process of inclusion in education.

#### **4.3.1 The Social Construction of Special Educational Needs**

In my critique of the social model of disability I have extensively addressed the theoretical difficulties resulting from defining disability as unilaterally socially caused

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<sup>22</sup> See chapter 3 for this critique.

and from rejecting any idea of normality, while adopting the celebration of difference as main political aim (see chapter 3). As I will show through a specific example, my critical framework is indeed sustained also when applied to issues of inclusive education. My analysis, therefore, will focus only briefly on some limits of the social model of disability applied in the context of education.

According to one sociological perspective in inclusive education, definitions of special needs provided by the medical model see special needs as arising from children's own characteristics and the use of medical categories as a means to the implementation of special educational structures and practices. Different professional vested interests converged on the social creation of special education and special needs, which arose in a specific historical, social and economic setting. Moreover, categories, as Tomlinson says, are socially determined as they 'appear, change and disappear because of the goals pursued and the decisions made by people who control the special educational process' (1982: 22). Therefore, 'the terminology employed to categorise children is complex and ever changing' (1982:38).

As opposed to this, sociological theories see special needs as the results of social practices and endorse Oliver's view that, 'The development of a pedagogic practice based upon the definition of special educational needs as a social creation is... an urgent and essential task over the next few years' (Oliver, 1988: 29). This should be part, furthermore, 'of a critique of what constitutes itself as "normal"' (Barton, 2000: 11).

The nature of categorisation is certainly problematic, especially when referred to education and when concerning those categories identified by Tomlinson as non-normative, or non-directly arising from medical states, and thus connected to the vast and controversial area of learning difficulties. Nevertheless, I argue that the position endorsed by social theorists in relation to inclusive education shows the two main limits seen in the social model of disability. First, insisting upon the social construction of special educational needs presents an obvious element of over-socialisation and, second, the rejection of any concept of normality and the assertion of the celebration of difference as main educational aim is in itself problematic. An example will help in illustrating these points.

Beth B. ... expresses interest in people, especially in their faces. She smiles and laughs, responds positively to music, and has definite likes and dislikes concerning food, which she expresses

through eye gaze, bodily movements and facial expressions. This is because Beth cannot speak, but instead communicates primarily through eye gaze. Beth is a child with Brett Syndrome, a form of autistic disorder involving multiple severe disabilities in the area of cognition, communication, and motor functioning. Beth's parents, her private therapists, and the staff of professional educators who work with her at school estimate her motor abilities lie within the range of five to seven months (Ladenson, 2003: 1).

Beth has received her education in regular classroom placement until second grade and her further education is now a legal case in the US Federal District Court. Beth, like many other children, is 'classified' as having Profound Multiple Learning Difficulties, and in her education she receives the attention not only of her classroom teacher and assistant, but also of some professional therapists.

If we apply the understanding of disability proposed by the social model to Beth's situation, we should define her disability as the result of social and educational barriers that act as constraints on her development. We should furthermore recognise the oppressive nature of her medical 'classification' and the ideology of needs that it promotes. Beth's needs, therefore, would be determined by the professional intervention defined as necessary in her situation. Finally, we should identify the oppressive relation that powerful professionals may exercise on those, like Beth, defined as impaired by Brett Syndrome, or on her parents, influenced by the configuration of disability as personal tragedy.

Beth's educational needs certainly depend largely also upon the school's structure and culture, and how the school responds to Beth may create the space for her thriving or not as individual. But it seems to me difficult to apply the understanding of special needs as external to the individual child and tout court located in educational barriers that categorise her. Moreover, Beth's experience in school, her communication and her socialisation depend to a great extent also on the level of care and, indeed, of professional expertise that she receives. True, following social theorists we could argue that every child needs support and care in order to thrive in educational settings, and that what differentiates Beth in this situation is not that specific need, but indeed only the fact she may need a different kind and level of care from that of other second graders. However, it seems equally difficult not to argue here that the level of care and expertise provided is associated to Beth's situation as departing from the average functioning of a child in second grade, thus, in a way, to her not being included in 'what constitutes itself as normal'. My claim here is that social perspectives in inclusive education appear at least inadequate to

a complete understanding of the experience of impairment in the context of education.

What I argue, ultimately, is that Beth's story illustrates how views theorising the social creation of special educational needs, in overlooking the experience of impairment, and in deconstructing and rejecting definitions and references to average functioning, presents an over socialisation of the experience of impairment itself. Moreover, in identifying the oppressive nature of professional intervention in the area of impairment, as in the social model of disability, social perspectives in education may lead to the underestimation of the important contribution of professional expertise in children's development. Further, the education of Beth certainly requires, as admitted by perspectives in inclusive education, an inclusive culture and ethos, and adequate curriculum and assessment methods, but it equally requires additional resources in terms of both logistical structures and specific technology aids (a point that I shall address further on). Finally, my critique here endorses positions within disability studies that have addressed the limits of the social model in explaining the experience of children with profound impairment. Some researchers have pointed out how the social model is inadequate to express the experience of children with impairment 'with its strong emphasis upon self-advocacy and collective action, and given that children with profound impairment may be largely reliant upon others' (Brett, 2002, p.830). And it seems to me that this critique holds especially when applied to education. The first line of my critique is now complete: let us now analyse the second aspect of my critique, the political level of social perspectives on inclusion.

#### **4.3.2. The Politics of Inclusion: Difference, Equal Opportunities and Resource Distribution**

According to the perspectives under discussion, inclusive education is about a positive self-definition of difference. It asks for the celebration of difference in opposition to the individualisation and pathologisation of it perpetuated by the oppressive ideology of normality. Moreover, it defines difference as providing the basis on which to establish equal entitlements for all groups in society as a matter of human rights. Finally, inclusion is defined against the rejection of concepts of equal opportunities as void and rhetorical; therefore, ultimately, against the broad liberal framework informing equality in terms of equal opportunities.

My critique of this politics of inclusion articulates three main points: first, it addresses some problems both within the politics and the celebration of difference and, second, it argues against the understanding of equality of opportunities provided by sociological positions in inclusive education. Finally, it addresses the problem of resource distribution as intrinsic to the first two positions and as fundamental to the political aims of inclusion.

Let us first address the celebration of difference as proposed by sociological perspectives in inclusive education. The celebration of difference assumes here mainly two meanings: on the one hand, it is a partial endorsement of the politics of group difference as theorised principally by Iris Marion Young,<sup>23</sup> while, on the other hand, being the celebration of the way people are, as opposed to abstract and ideological views of normality. These two facets of the meaning of difference are then related to issues of equal entitlement as human rights. In reclaiming the meaning of the positive sense of group difference and the necessity of respecting difference in politics, Young promotes the understanding of the primary goal of social justice as social equality. In her opinion a fair distribution of goods is not paramount in issues of justice. Social equality, she argues, entails a fair distribution of goods but refers primarily 'to the full participation and inclusion of everyone in a society's major institutions, and the socially supported substantive opportunity for all to develop and exercise their capacities to realize their choice' (Young, 1990:173). According to Young,

justice in a group differentiated society demands social equality of groups, and mutual recognition and affirmation of group differences. Attending to group-specific needs and providing for group representation both promotes that social equality and provides the recognition that undermines cultural imperialism (1990:191).

Sociological views in inclusive education are based on a partial endorsement of these claims accompanied by the recognition of the fundamental priority of the political and economical struggle against every form of discrimination, oppression and exclusion in general (Armstrong. et al. 2000:7). What social theorists in inclusive education are mainly concerned with, ultimately, is to eradicate the social and economic structures that provide the basis for exclusion in the domination of some groups of people on others. This, they claim, is precisely enacted by the singling out of difference in terms of needs, being them individual or group needs,

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<sup>23</sup> See Young, M. I. (1990) *Justice and the Politics of Difference*, Princeton, N.J.: Princeton University Press. This aspect will be addressed more thoroughly in chapter 8, where I respond to possible objections to distributive theories of justice and to the idea of educational equality I defend.

and by the subsequent domination of the powerful defining groups on those who are defined. Moreover, priority resides in the social and historical context in which discrimination and exclusion take place as, in this view, 'it is only within this general perspective that discrimination as it affects different groups can be understood and confronted' (Armstrong, et al. 2000:7). Finally, the struggle against discrimination implies a cultural change in the understanding of notions of normality and difference and a firm rejection of the individualisation of difference as pathology.

This political position gives rise to some significant difficulties. The first relates to its emphasis on group differences alongside its parallel celebration of disability, and leads to possible disparities among sub-groups within groups. As recognised by disabled theorists, 'because of the division within the disabled population in terms of age, social class, impairments.... the emergence of a coherent political movement is unlikely.' (Barnes, 1990:128.) This, in turn, is reflected in the different groups within the same disabled people's movements, where, for instance, deaf people see themselves as a distinct group. Consequently, the unspecified theoretical position that sociological perspectives on inclusion adopt in questions of difference and group difference appears theoretically problematic and specifically so when applied to the realm of policy. As I noticed earlier, for instance, governments have enacted divisive policies in terms of tax benefits accorded to some groups rather than others. This, however, instead of being only a consequence of some bogus understanding of notions of equal opportunities, can indeed be seen as related to unspecified and rather confused political positions that are not substantially underpinned by coherent normative frameworks. Moreover, the lack of a precise articulation of differences in relation to groups gives rise to problems of identity and difference. For instance, certain sectors of the deaf community do not agree on deafness being considered a disability, and promote instead an understanding of it as cultural difference. Finally, in promoting the celebration of difference, the politics of inclusive education falls back on the 'dilemma of difference'<sup>24</sup>, where difficulties arise both in acknowledging individual differences, but with the risk of stigmatising, and in ignoring differences, with the corresponding risk of not providing what is required by the individual. In this sense, if we ignore the difference of disabled children with reference to education, we are short of reasons on which to provide them with an adequate education, whatever that may mean. On the other hand, the risk entailed by acknowledging the

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<sup>24</sup> I do not reintroduce here the whole controversy on normality, addressed in chapter 3, but these positions draw consistently on the critique of the idea of normality characterising the social model of disability. See chapter 3.

difference resides in a possible singling out of needs, which may be defined by others (I am here thinking of Beth, for instance), thus we are falling back to the possible ground of discrimination and exclusion<sup>25</sup>.

Equal opportunities have been highly criticized by these proponents of inclusive education. In their view, equal opportunities have not only provided the basis for the substantial undermining of the real inequalities faced by many groups in society, but also for divisive policies whereby, for instance, disability has not received the same attention as race or gender issues. Moreover, disabled people, as Armstrong suggests,

have begun to challenge the representation of disability within an 'opportunities' discourse on the ground that it discourages a critical stance towards the social conditions underpinning the experience of disabled people (Armstrong, et al. 2000: 9).

Armstrong maintains that it is in the absence of such a critique that 'the discourse of opportunities is disempowering in that it does little more than reconstitute earlier discourse of 'care' (Armstrong F. & Armstrong & Barton 2000: 9), which have prevented the political and social recognition of disabled people.

Furthermore, when applied to the specific education context, the equal opportunity framework has been mainly associated with the latest changes in some countries toward neo-liberal economics and more general libertarian positions. In talking about school in England and Wales, for instance, Corbett notices,

The current emphasis in England and Wales is upon academic achievement, high standards of behaviour and consistency of curricular approach. Whilst this can be praised as an equal opportunity model, it reinforces an individualised, competitive attitude which rests uneasily with the emphasis on community values, cooperation and social learning which form integral elements of inclusive education. (Corbett and Slee, 2000: 137.)

Slee reinforces this position by maintaining that Australia, too, 'is entrapped within a compensatory model of distributive justice (Corbett and Slee, 2000: 138).

In addressing this critical stance against equal opportunities, some specifications and clarifications are necessary. First, it is important to notice that these criticisms of the idea and the politics of equal opportunity are provided without a clear and full understanding of the meaning of 'equal opportunities' and without a significant operationalisation of it. Second, it is necessary to explicate the difference between equality of opportunity as enacted by governmental policies and the principle of fair

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25 See chapter 2. Kittay, E. F. (1999) has provided an interesting discussion of this dilemma in terms of justice in her *Love's Labor*. See pp. 10-11.



equality of opportunity as theoretically informing liberal egalitarianism. It appears that equal opportunities as declared in political manifestos have actually promoted the enactment of a very minimal understanding, if any, of the concept of equality. Thus, this minimal level implies equal opportunities as the absence of legal impediment to participate, the absence of preclusion to choice. This minimal level of opportunities has consequently shifted the debate from the complexity of the liberal meaning of equality to a very neutral and, therefore, bland conceptualisation. The first distinction, therefore, needs to acknowledge the difference between normative theory level and political enactment. At the level of ideal theory, the concept of equality of opportunities has a normative meaning, in that it provides us with a specification of it in terms of a set of principles and norms to inform and guide the design of social institutions. Moreover, in ideal theory, the meaning of equality of opportunity is certainly far more demanding and more complex than the simple removal of impediments to participation, since it may be taken to mean, for instance, the equal life-prospects that individuals with the same level of talent and the same willingness to exert efforts should have<sup>26</sup>. Not only this, but also a further analysis may be needed in order to ascertain whether the political level has indeed proceeded on the basis of a clear liberal framework, as many liberal egalitarians actually claim that there has been a complete abandonment of egalitarian concerns by politicians and policy makers<sup>27</sup>.

Secondly, the importance of addressing principles of resource distribution is reinstated by the same considerations expressed previously. The bland and ineffectual politics of equal opportunities in terms of vague legal notions of absence of impediment to participate has masked not only the real inequalities in society, but also the real issue behind them. In other words, it has neglected the fundamental question of a principle of fair distribution of resources informing theories and policies. This, I argue, is the major limit of sociological perspectives in inclusive education, the fact they have not only identified policies with liberal positions, thus somehow mixing normative with policy level, but have also misrepresented the importance of distributing opportunities and resources according to a principled framework. And this is precisely what is missing in government policies.

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<sup>26</sup> This understanding refers to John Rawls's theory of justice as fairness. See chapter 7 for a more extensive discussion of this aspect.

<sup>27</sup> See, for instance, Dworkin, 2000; Brighouse, 2000 and 2001.

Ultimately, against sociological positions on inclusion that confine the issue of resource distribution to the secondary aspects and the minor technicalities of inclusion, as opposed to the importance of values and ethos informing both education and schools, I suggest that resource distribution is among the primary concern for a project of inclusion.

Finally, the identification of liberal positions and ideals of equality of opportunities with recent education trends in terms of standards of achievements and competitive policies represents a common misunderstanding among educationists<sup>28</sup>. This is in part due to the complexities of the debate within liberalism and to the fact that the same debate has not addressed specific education questions. However, it is also due to the lack of attention to normative theories characterising the sociological debate in education and in inclusive education more specifically. Ultimately, these aspects highlight the importance of normative structures and, in particular, liberal egalitarian principles in informing the debate in special and inclusive education. What emerges from my analysis of the social model of disability and its application to concepts and ideas of inclusive education highlights the critical need and importance of a principled framework, conceptualising impairment, disability and special educational needs and educational equality within a broader concern for social justice. This is my task for the next chapters 5, 6 and 7.

## Concluding Comments

My critical analysis has presented perspectives in inclusive education that are mainly related, both theoretically and politically, to the social model of disability. In this chapter I have maintained that social perspectives on inclusive education fail to provide appropriate grounding for thinking of inclusion not only when referred to disabled children, but also as a general framework for education. Moreover, I have addressed the limits shown by concepts of social constructions of impairment and disability, as well as tensions inherent to the political positions informed by these views within inclusive education.

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<sup>28</sup> For a more extensive discussion of misunderstandings of liberalism in education theory, see Brighouse, H. and Swift, A. (2003) 'Defending liberalism in education theory' *Journal of Education Policy*, 18 (4), 355-373.

My main contention is that the social model of disability presents theoretical limits, which make the model itself problematic to the achievement of its aim of an inclusive society and equally problematic in its application to the context of education. This, I maintain, is due both to its failure to recognise the importance of the question of justice as distributive justice and to its theoretical limits in providing a definition of disability and impairment that could inform a principled framework for just distributions.

The result of my analysis of current models underpinning special and inclusive education points in the direction of the need for a different framework, both at the theoretical and the normative level of analysis. The next chapters are a step in that direction.

## **Chapter 5**

### **The Capability Approach: Re-Examining Impairment and Disability**

This chapter presents elements of a capability perspective on impairment and disability and refers it to a multidimensional and relational understanding of disability.

It suggests that the capability approach provides new and fundamental insights to the conceptualisation of impairment and disability as aspects of human diversity. This conceptualisation goes beyond the crucial divide between definitions based on natural or social causal factors informing current perspectives on disability.

The chapter argues that the capability approach is innovative with reference to the centrality of human diversity in assessing equality in the space of capability. The specific understanding of human diversity proposed, as well as the democratic decisional process promoted and, finally, the normative dimension entailed, all have the potential to take liberal egalitarian and educational theories in directions that can fruitfully inform the design of a just, thus more inclusive, society.

#### **Introduction**

What disability is and how it can be defined in relation to more general considerations of human diversity and personal heterogeneities is a theme common to different disciplines. In particular, recent perspectives in socio-medicine and disability studies, as well as in political philosophy, have all engaged at different levels with the complexity of disability, outlining some of its dimensions with reference to the focus of their internal debates. Socio-medical approaches and disability studies have mainly concentrated their analysis on the definition of disability and on its causal factors, and have provided contrasting understandings of what disability is, how it relates to a concept of human diversity and, in turn, to social and political issues. In their political struggle for equal consideration and equal entitlements and against any reduction of the complexities of disability to

biological notions of abnormality, disabled people's movements advocate the 'celebration of difference', that is the positive recognition of disability as part of that inescapable human diversity that so enriches our life experience as well as our society<sup>29</sup>. As we have seen in chapter 3, in these perspectives the concept of disability as part of human diversity is articulated in terms of differences to be positively recognised, rather than stigmatised and discriminated against. The debate in disability studies is characterised by the interlocking of a theoretical, definitional level, with a political one, where the provided definition of disability not only subsumes a specific understanding of disability in terms of differences, but proposes also a political perspective based on such definition and on promoting the ideal of an inclusive society.

Conversely, the concept of human diversity, although differently conceived, plays a crucial role in contemporary theories of social justice and, more specifically, in the current debate on equality and distributive justice. Theories of social justice that are mainly concerned with the fairness in the distribution of benefits and burdens in society address the importance of considering personal heterogeneities in terms of different natural and social endowments. These theories engage with the questions of what traits constitute a personal advantage or disadvantage, whether it is naturally or socially determined, and how and why personal diversity does or does not have to be accounted for in theories of justice. Within such theories, moreover, human diversity is generally broadly configured in its elements of different age, sex, health and social class. In theories of social justice, disability issues are usually referred to as an individual disadvantage and considered as a further 'complexity' in the already complex framework of a just distribution of benefits and burdens, however defined. Aspects of this debate have also addressed the causal factors of disability, whether natural or social, and mainly so in connection to the evaluation of disability in terms of individual disadvantage within a metric of interpersonal comparison and in relation to concerns for social justice<sup>30</sup>. What is a cause of celebration for disabled scholars and disabled people's movements, ultimately, becomes a matter of concern for political philosophers, and more so for liberal egalitarians.

Notwithstanding this contrasting picture and the diversity of approach to the issue, the debate raises three interrelated questions, which are important both to disability

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29 See Corker: 1999, Morris: 1991, Shakespeare: 1997, Thomas: 1999, Wendell: 1996.

30 See Dworkin, 2000, Nagel, 2002, Rawls, 1971, 2001, Sen, 1992.

studies and to political theories of social justice. 'What is disability and how can we think of it within a concept of human diversity?' 'What relevance have the causal factors of disability for a theory of justice?' and 'How ought disability to be evaluated and considered with reference to the design of social and political arrangements informed by equality?' are the key issues of the debate. These questions are, in turn, interlocked with two dimensions: a theoretical level of analysis, concerned with definitional and causal issues of disability, and a political level, where the previous considerations are translated into matters of equal entitlements and equal rights for disabled people. These questions, and their respective answers, form a fundamental framework for rethinking impairment, disability and different abilities or special educational needs within the context of education.

In this chapter I maintain that the capability approach, as developed by Amartya Sen and further articulated by Martha Nussbaum, provides an innovative and important perspective for re-examining and re-conceptualising impairment, disability and special educational needs. Inscribed in liberal egalitarian theories, the capability approach is a normative framework for the assessment of inequalities. It claims that social arrangements should be evaluated in the space of capability, that is, in the space of the real freedoms people have to promote and achieve their own well-being. This chapter shows how the three key questions informing the debate on disability can find fruitful and normatively justified answers within Sen's capability approach. This analysis focuses intentionally only on Sen's contribution, leaving the analysis of Nussbaum account for further exploration.

The chapter is organised in three sections. The first section outlines Sen's approach in relation to the centrality of the concept of human diversity and its specific articulation. The second section re-examines and re-conceptualises impairment and disability in terms of functionings and capability. It highlights how the capability approach brings forward the theorisation of impairment and disability with reference to the questions and the two levels of analysis identified, hence with reference to definitional and causal issues as well as political ones. Finally, the third section presents elements of a relational and multidimensional conception of impairment and disability based on the capability approach.

## 5.1 Sen's Capability Approach and the Centrality of Human Diversity

Sen has developed his capability approach throughout his work and mainly by engaging with two different debates. On the one hand, his priority in theorising the capability approach is to provide a more accurate and alternative framework for the conceptualisation of human development and for the analysis and assessment of poverty, than the ones commonly used in welfare economics and unilaterally based, for instance, on income generation or income distribution.

On the other hand, in examining poverty, inequality and their relation to social arrangements, Sen's work critically engages with the philosophical debate on equality, and, more precisely, with the liberal egalitarian debate, and offers a specific perspective on how to think of equality in its distributive meaning. In his monograph *Inequality Reexamined*, Sen maintains that while equal concern for individuals in social arrangements is central and common to various egalitarian views (1992: IX), the differentiating elements within these views consist in the kind of equality each position is trying to promote.

The capability approach is a complex and compelling answer to the question 'equality of what' (1992:1), and in developing his perspective on equality Sen provides a framework of thought which, I argue, offers also new and important elements for a reconsideration of impairment, disability and inclusion. This has implications, both theoretically, for redefining impairment and disability, and operationally, for the design of social policies where issues of inclusion are fundamental moral issues. Since this understanding is not a straightforward reading of Sen's approach, however, in what follows I shall selectively present some concepts of the capability approach and then subsequently critically engage with them by showing how they can inform a capability perspective on impairment and disability. Let us now proceed, first, with some key concepts of the capability approach, which can inform a perspective on disability, namely: the space of capability, the informational basis of the metric used in interpersonal comparisons and, finally, the democratic decision process entailed by the approach.

Sen develops his capability approach as a framework in which to reconsider what social arrangements should aim to equalize, therefore in which to reconsider the 'equality of what' question. He maintains that closely linked to this central question are two fundamental issues: firstly, the choice of the evaluative space in which to

assess equality and, secondly, the metric that should be used in comparing people's relative advantages and disadvantages.

Sen's approach identifies the evaluative space for the assessment of inequality and, conversely, for determining what equality we should seek, in the space of the freedoms to achieve valuable objectives that people have, that is, in the space of capability. Rather than aiming at equalizing resources or welfare, Sen argues that equality should be defined and aimed at in terms of the capability each individual has to pursue and to achieve well-being, i.e. to pursue and enjoy states and objectives constitutive of her or his well-being, and therefore valuable. Thus, the capability approach delimitates a space for the assessment of individual well-being and the freedom to achieve it.

Within this space, Sen distinguishes functionings and capabilities. Functionings are defined as 'beings and doings constitutive of a person's being', such as being adequately nourished, being in good health, being happy and having self-respect, or taking part in the life of the community (Sen, 1992: 39). Achieved functionings are the specific functionings that a person has accomplished and realised at any given time (Alkire, 2002: 6). Since functionings are constitutive of a person's being, according to Sen, 'an evaluation of a person's well-being has to take the form of an assessment of these constitutive elements.' (Sen, 1992: 39.)

Capabilities, on the other hand, are capabilities to function and represent a person's freedoms to achieve valuable functionings, or, they represent

Various combinations of functionings (beings and doings) that the person can achieve. Capability is, thus, a set of vectors of functionings, reflecting the person's freedom to lead one type of life or another (1992: 40).

Sen provides a useful example to understand the meaning of capability. He considers the situation of a starving person as compared to that of someone fasting. Clearly the starving person is deprived of the capability to choose whether to eat or not. On the other hand, the person fasting is in the position to choose, thus she has the relevant capability. Capabilities emphasise the substantive freedoms a person has, thus identifying the 'real alternatives' available to the person herself to achieve well-being. In that respect, capability is related to well-being both instrumentally, in allowing for judgments on the relative advantage a person has and on her place in society (Sen, 1992: 41), and intrinsically, since achieved well-being itself depends on the capability to function (Sen, 1992: 41). Here Sen distinguishes between well-



being freedom and well-being achievement and maintains that it is the former which refers more directly to the capability set. Given the exercise of choice and its value as part of our living, the realised level of well-being, that is well-being achievement, 'need not be the only guide to the opportunities that a person values most.' (Sen, 1992: 62.)

Having so defined the space of the capability approach, which seeks equality of capabilities and asserts the fundamental importance of capabilities and functionings as value-objects for the assessment of individual well-being (Sen, 1992: 46), it is now important to address the basis for interpersonal comparisons implied by the space of capability.

The space of capability encompasses the use of a 'metric' (Pogge, 2003) to evaluate people's relative advantages and disadvantages. In other words, the capability approach theorises a space where considerations of personal heterogeneities are relevant for the assessment of equality. Sen maintains that the idea of equality is confronted by the 'basic heterogeneities of human beings' (Sen, 1992:1) and he maintains that the 'empirical fact' of human diversity is crucial in assessing the demands of equality. In Sen's words,

Human diversity is no secondary complication (to be ignored, or to be introduced 'later on'); it is a fundamental aspect of our interest in equality (1992: XI).

Sen addresses human diversity as the interrelation of personal and circumstantial factors. According to his view, human beings are diverse in three fundamental ways. First, they are different with respect to their personal, internal characteristics, such as gender, age, physical and mental abilities, talents, proneness to illness, and so forth. Second, different individuals are different with respect to external circumstances, like inherited wealth and assets, environmental factors, including climatic differences and social and cultural arrangements (Sen, 1992:1, 20, 27-28). Third, a further and important diversity, defined as inter-individual variation, refers instead to differences in the conversion of resources into freedoms or to different individual abilities to convert commodities and resources in order to achieve valued objectives (1992: 85). To illustrate this last point, Sen provides the example of a lactating woman, who, due to her specific condition, needs a higher intake of food for her functionings than a similar but non-lactating woman.

But human beings are diverse, Sen maintains, in another fundamental way as well. Different individuals have different and often contrasting conceptions of the good

and therefore aim at different ends and objectives. They have different conceptions of individual well-being, a diversity that Sen names inter-end variation and that leads his approach to envisage capability as the overall freedoms that people have 'to achieve actual livings that one can have a reason to value' (1992:85 and 1999:18), without further specifying a complete list or set of capabilities. (More on this later on.)

Within this view of human diversity as central, therefore, according to the capability approach, it makes a difference whether someone is a man or a woman and if he or she has physical and mental prowess or weaknesses; if someone lives in a temperate physical environment or in more adverse climatic zones, and in certain social and cultural arrangements rather than in others. And the difference entailed by these variations has to be accounted for, when addressing the demands of equality. Moreover, Sen maintains that the actual differences in conceptions of valuable ends and objectives that people may have and their conversion factors have to be considered, too. Thus, ultimately, the metric used to make interpersonal comparisons includes the four central aspects to human diversity identified in personal and external circumstances, inter-individual variations in conversion factors and inter-end variations related to the pluralistic domain of conceptions of the good. One example taken directly from Sen's work may help illustrate the use of this metric and to introduce considerations on disability that will be expanded later on.

Consider two persons 1 and 2, with 2 disadvantaged in some respect (e.g. physical disability, mental handicap, greater disease proneness). They do not have the same ends or objectives, or the same conception of the good. Person 1 values A more than B, while 2 has the opposite valuation. Each values 2A more than A and 2B more than B. With the given set of primary goods (resources and opportunities) person 1 can achieve 2A or 2B, also – though there may be no great merit in this – A or B. On the other hand, given 2's disadvantage, ... she can achieve only A and B (1992: 83).

It is evident here that person 2 finds herself in a situation of inequality even given the same amount of resources or opportunities to achieve her valued goals, and that this situation is due to her personal characteristics and to how she converts resources into functionings. Thus, according to Sen, while evaluating equality or inequality and in comparing individual shares, neglecting person 2's disadvantage would fall short of some very substantive demands of equality. (Note here that disability in this example is considered a substantial disadvantage per se – but more on this later on.)

It is this set of considerations relating to human diversity and its centrality in the metric used to compare individual advantages and disadvantages that have ultimately led Sen to conceptualise the space of capabilities and functionings as the relevant space for equality. Sen, nevertheless, has not provided a full set or a list of relevant functionings referred to capabilities. He maintains that the capability approach is a framework of thought, a general approach to the assessment of individual advantage or disadvantage in social schemes. Selecting relevant functionings would imply, on the one hand, endorsing a specific view of the good life and of human nature, and, on the other, enacting processes of choice and reasoning. And if the first dimension would require providing a comprehensive doctrine of the good, something that contradicted the very scope of the capability approach and its consideration for human diversity, the second dimension, according to Sen, should be left to democratic procedures and social policies designs. Hence the deliberately under-specified character of the capability approach<sup>31</sup>.

Although intentionally under-specified, Sen's approach nevertheless does distinguish basic capabilities within capabilities. According to Robeyns,

Basic capabilities are a subset of all capabilities: they refer to the freedom to do some basic things that are necessary for physical survival and to avoid and to escape poverty (2001: 11).

Sen himself has specified that the distinction between basic capabilities and capabilities is context-relevant and useful in order to separate out 'the ability to satisfy certain crucially important functionings up to certain minimally adequate levels.' (Sen, 1992:11.) Thus, for instance, in evaluating poverty in developing countries, thinking of basic capabilities as distinct from capabilities is of heuristic value, value which can be neglected would the same evaluation be made in developed countries<sup>32</sup>.

Not only are capabilities context-relevant, in that they are sensitive to social and cultural arrangements, but also their selection, according to Sen's approach, should be the result of a democratic process of deliberation including forms of public consultations. This implies that, in considering a person's capability set, attention should be given to individual conceptions of well-being, in other words to the objectives and ends that a person has a reason to value, but also to the interlocking

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31 See Robeyns, 2001: 15 and also 2003, (2): 6.

32 As we shall see in chapters 6 and 7, this distinction is particularly relevant to education and to the understanding of educational equality. But more on this later on.

of this reason with political, social and cultural settings, thus, ultimately, with conditions that may influence choice and reasoning. Some authors (Alkire 2002, Robeyns, 2003) have expanded this aspect of the capability approach, envisaging different perspectives on what forms this process of social deliberation and democratic participation may take with regard, for instance, to the analysis of gender inequality or with the operationalisation of capability in poverty reduction. However, a systematic analysis of this issue goes beyond the immediate focus of this chapter and shall therefore be left to further analysis. Nevertheless, what is important to assert here, is the consideration relating to public democratic debate that informs the capability approach, and the fact that this aspect is connected to the intentional under-specified character of the approach.

Let us now resume the main points addressed. I have so far outlined three fundamental components of the capability approach, namely, first, the choice of space for the assessment and comparison of people's well-being, identified in the space of capability and functionings; second, the choice of the metric for interpersonal comparisons, entailing a specific understanding of human diversity, and, finally, the process encompassed by the capability approach in terms of democratic decision and participation in the selection of relevant capabilities. The capability approach identifies capability in the overall freedom people have to choose the life they have reasons to value, and identifies functionings in the achieved freedoms. Sen's approach specifies this particular space as the space where to evaluate equality and theorises equality not in terms of the means to freedom, but of the extent of freedom. Considerations of human diversity in terms of personal and circumstantial factors, as well as differences in the conversion of resources and income into functionings and in terms of different conceptions of the good play a substantive role in the informational basis for the metric used to evaluate individual advantages and disadvantages. Finally, democratic participation and extensive public consultations are envisaged as part of the process to select the relevant capabilities.

Where does Sen's approach leave us with respect to what impairment and disability may be taken to mean, and what their weight is in interpersonal comparisons, and hence in the determination of the equal status and equal entitlements of disabled people in social arrangements? In the next section I outline a conceptualisation of impairment and disability within the capability approach, and show how this framework takes the understanding of disability as specific aspect of human

diversity, beyond the divide between individual and social elements characterizing current definitions in socio-medicine and disability studies.

## **5.2 Reconceptualising Impairment and Disability within the Capability Approach**

What does the capability approach offer to our understanding of impairment and disability and to our moral quest for an inclusive society? In what follows I shall outline how aspects of the capability approach can provide a new framework for thinking of impairment and disability as multidimensional and relational and how this framework can inform issues of distributive justice and policies of inclusion.

A very first reading of Sen's perspective tends to point in the direction of identifying disability, in an assumed non-problematic way, as personal disadvantage tout court. Different examples throughout his work account for disability as disadvantage. So, for instance, in addressing personal heterogeneities, Sen maintains

People have disparate physical characteristics connected with disability, illness, age or gender, and these make their needs diverse. For example ... A disabled person may need some prosthesis, an older person more support and help, a pregnant woman more nutritional intake, and so on. The 'compensation' needed for disadvantages will vary, and furthermore some disadvantages may not be fully 'correctable' even with income transfer (1999: 70).

And furthermore

Equal income can still leave much inequality in our ability to do what we would value doing. A disabled person cannot function in the way an able-bodied person can, even if both have exactly the same income (1992: 20).

And

The extent of comparative deprivation of a physically handicapped person vis-à-vis others cannot be adequately judged by looking at his or her income, since the person may be greatly disadvantaged in converting income into the achievements he or she would value (1992: 28).

These examples outline how disability, defined as an individual condition, impacts on individual functionings, as these are differently correlated to various personal characteristics and to diverse individual conversion factors. Here, therefore, disability is equated to an individual disadvantage that should be taken into consideration in interpersonal comparisons. And if, on the one hand, this position could be read as an endorsement of the WHO's definition of disability as individual

limitation causally linked to biological impairment, this seems to be too simplistic a reading of Sen's approach.

There are two new main insights that Sen's capability approach offers to our understanding of impairment and disability in relation to human diversity, and to their assessment in interpersonal comparisons when aiming at equal consideration and equal freedoms for disabled people. The first insight relates to how we can think of impairment and disability as aspects of human diversity, or, more precisely, it relates to the specific understanding of personal heterogeneities provided by Sen's approach and to its informing the metric for assessing individuals' relative positions in social arrangements. The second insight brings about consideration of democratic participation and the possibility of thinking of the capability approach as exercising the role of an impartial observer in adjudicating what the relevant capabilities are when thinking about disability. This latter element entails the active participation of disabled people and disabled people's movements in the process of determining relevant capability and of evaluating how social policies should be designed when aiming at inclusion. These two main insights that the capability approach has to offer to the debate on disability are directly referred to the two levels of analysis identified as inherent to the debate itself, namely a theoretical level concerned with definitions and issues of causality and a political level, concerned with issues of inclusion and equal entitlement<sup>33</sup>. But let us now proceed to substantiate these claims.

The first reason for considering the capability approach as innovative with respect to current understandings and models of impairment and disability relates both to the centrality of human diversity in assessing equality in the space of capability and to the specific understanding of human diversity proposed by Sen. Firstly, Sen's capability approach, in repositioning human diversity as central to the evaluation of individual advantages and disadvantages, promotes an egalitarian perspective, which deals at its core with the complexities of disability than other egalitarian perspectives. Secondly, Sen's concept of human diversity, in including personal and external factors as well as an individual conversion factor of resources into valuable functionings, implies an interrelation between individual and circumstantial factors of human diversity. This fundamentally allows overcoming current understandings of impairment and disability as unilaterally biologically or socially determined<sup>34</sup>, in that

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<sup>33</sup> See above my introductory notes.

<sup>34</sup> I owe this insight to discussions with Harry Brighouse.

the capability approach allows a concept of disability as one of the aspects of individuals emerging from this interlocking of personal and external factors. Moreover, the capability approach implies the irrelevance of the causal element of a presumed disadvantage, either natural or social, as a determinant of entitlement; rather, the approach goes in the direction of overcoming causality tout court in the evaluation of relative disadvantage. Thus, it does not matter, in capability terms, whether a disability is biologically or socially caused as such, what matters is the relative weight disability has in terms of the full set of capabilities one person can choose from. And this relative weight is assessed in terms of capability and functionings, therefore, in a space where differences are not just rhetorically celebrated (as in the social model of disability), but substantially evaluated. Furthermore, the capability framework opens the way to considerations of impairment and disability as multidimensional and relational (a conception that will be discussed further on), in that it sees disability as one aspect of the complexity of human heterogeneities, and therefore as one aspect of the complexity of individuals in their interaction with their physical, economic, social and cultural environment. In this respect, the capability approach goes also in the direction of promoting a conception of disability as one aspect of human diversity, like age or genders are, without suggesting monolithic and direct notions of diversity as abnormality. And this appears to be fundamental in overcoming the discrimination and oppression denounced by disabled people's movements as inherent to current notions of normality, abnormality and diversity. Finally, the capability approach provides an egalitarian framework where disability is evaluated in the distributive pattern of relevant capability.

Thus, rethinking impairment and disability within the capability approach would entail asking in the space of capability what is the full set of capability one person can choose from and assessing the value an impairment has on this set of freedoms. Some examples may be of help at this stage. Walking is a functioning, and so is moving about from one space to another, and it is a functioning that enables other functionings, like taking one's children to school, or going to work, or acting as a state president. In this sense moving about may be seen as a basic functioning enabling more complex functionings to take place. Now let us think of an impaired person, a wheelchair user, for instance. In determining the full set of capabilities that a wheelchair user has to achieve her valued ends, the capability approach looks at how this specific physical aspect (moving about by wheelchair)

intertwines with circumstantial factors, like the physical environment where the person lives and the presence of wheelchair accesses to buildings, and how it intertwines with personal conversion factors, like general strength or health as well as attitudinal aspects. It intertwines, finally, with one's most valuable ends, one of which could be, for example, having an interest in politics and aspiring to act as state president. The capability approach does not account for the natural versus social causes of the physical difference that implies moving about by wheelchair rather than by walking; rather, it considers this as an aspect of personal heterogeneities, which has to be included in interpersonal comparisons. Moreover, the capability approach accounts for this personal aspect of human diversity to be evaluated in its interlocking with circumstantial factors, thus permitting to say that moving about by wheelchair relates evidently, for instance, to the design of physical environment. Ultimately the capability perspective allows us to say that being a wheelchair user may be considered a disadvantage when the wheelchair is not provided or the physical environment is not designed appropriately. In the same way many persons would be disadvantaged would stairs or lift not be fitted between flights in buildings, since very few people would be able to move from floor to floor (Perry, 1999: 2). Hence the provision of a wheel chair becomes a matter of justice.

But let us now relate this example to the achievement of more complex functionings, like acting as a state president. Let us suppose that acting in one's political capacity is fundamental to the achievement of well-being for the physically impaired person considered in this example. And let us also assume that the physical environment is designed so as to prevent her from moving about, thus ultimately preventing her from the achievement of some basic functionings. This person, although potentially able to exercise her political role, is prevented from her valued end by the interrelation of some of her personal features with some of the characteristics of her physical environment. In this case, not only well-being achievement, but also well-being freedom appears to be restricted in some fundamental ways, hence the full set of capabilities available to this person is diminished, since being a politician is highly constitutive of this person's well-being.

The second main insight provided by the capability approach to considerations of impairment and disability relates to democratic decisions and participation in determining relevant capabilities. Here the approach ties in with the demands of disabled people's movements on one hand, and with questions of the design of social schemes and policies on the other. Disabled people's organisations have



long denounced the factual marginalisation from active participation in society they are subject to and have reclaimed their role in society as a matter of right. The capability approach, through its reconsideration of human diversity and by advocating to itself the role of 'neutral observer', seems to provide a substantive framework to fulfil disabled people's demands. Moreover, in promoting some forms of public consultations on the choice of relevant capabilities, Sen's approach allows for a democratic process that avoids exclusion and discrimination in principle and by practicing active participation. The role accorded to democratic decision, however, if extremely relevant on issues of democratic empowerment of disabled people, becomes more problematic at a normative level. On the one hand, it allows for the social and political empowerment of disabled people through their movements. But on the other, it leaves open the question of adjudicating the demands of disabled people with respect, for instance, to the demands of those who are not disabled people. Sen's approach, ultimately, appears to promote collective self-determination of disabled people without adequately specifying a normative criterion for adjudicating competing demands among different groups, thus opening considerations of democratic participation with respect to liberal constitutional principles<sup>35</sup>.

These considerations on what Sen's capability approach has to offer to our understanding of impairment and disability, although still in an initial formulation, provide the basis for a multidimensional and relational concept of impairment and disability that will be outlined in the next section.

Let us now recap the main elements of the capability approach with respect to what disability is and how it can be defined within a concept of human diversity, what its causal factors are and what their relevance is both for definitions and for considerations of justice, and how disability has to be evaluated and considered with reference to the design of social and political arrangements informed by equality. Sen's approach offers a fundamental and important framework for redefining disability within human diversity and for evaluating its impact on the reciprocal positions of individuals in society. I have outlined how the centrality of human diversity and its specific articulation in Sen's work allows overcoming natural versus social definitions of impairment and disability, and overrides considerations

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35 I owe this insight to discussions with Eamonn Callan.

on the causal origin of impairment and disability. Moreover, I have pointed out how in his work disability may be seen as one aspect of the complexity of human heterogeneity, more precisely as one aspect of the complexity of individuals in their interaction with their environment. Furthermore, I have suggested that Sen's capability approach, in promoting some forms of public consultation on the choice of the relevant capabilities, allows for a democratic decisional process long advocated for by disabled people's movements.

It is within this framework that I suggest considering a multidimensional and relational view of impairment and disability, a view both concerned with issues of definition and considerations on the relation with the social and physical environment as well as with fundamental issues of justice. The next section presents elements of this perspective.

### **5.3 A Capability Perspective on Impairment and Disability**

The perspective on disability I am suggesting and defending, both allowed by and stemming from the context of the capability framework, sees disability as inherently relational and presenting multiple dimensions, and is articulated into definitional aspects in their interlocking with considerations of justice.

To clarify what this means, let us start off with the definitional aspect, which implies drawing some distinctions and presenting some definitions as well as contextualising these definitions within the capability framework. Thus it is important to distinguish impairment from disability and, subsequently, to see how and why disability is inherently relational and circumstantial, hence directly referred to the interfacing between personal characters of the individual and the specific design of the social and environmental arrangements one finds oneself in, and why it is multidimensional, too. Some authors, like Allen Buchanan (2000) and John Perry, (1996, 1999) have presented various accounts of disability in its relational aspect, and this analysis draws also substantially on their contributions to the debate.

Impairment, therefore, either physical or mental, relates to the loss of some aspects of functionings for our species. For instance, a lesion of the spinal cord that results in restricted movements – whether caused by a genetic condition or trauma - is an

impairment of average movement functioning<sup>36</sup>. In this sense Perry defines impairment as 'a physiological disorder or injury'. (Perry, 1996: 3.) Disability, on the other hand, is the inability to perform some significant class of functionings that individuals in someone's reference group (i.e. children or adults) are on average and ordinarily able to do under favourable conditions, or more specifically, as Buchanan points out, 'where the inability is not due to simple and easily corrigible ignorance or to a lack of the tools or means ordinarily available for performing such task.' (Buchanan, 2000: 286.)

In this sense, according to Buchanan, in defining disability we are referring to a reference group, and where no members of the reference group is actually able to function in a specific way, we do not speak of disability. So, for instance, as he points out, 'because no infants are able to drive cars, we do not say that any infant is disabled in this regard' (Buchanan, 2000: 286). Deciding on the average group is in itself a problematic issue, one that can be broadly, although not completely, addressed by referring to statistical means. Furthermore, disabilities are inabilities that cannot be overcome by simply supplying relevant information or providing tools and are, therefore, different matters from being unable to perform a certain activity, like playing Monopoly, because one does not know the rules of the game or because one does not have the actual table game available. On the other hand, if someone cannot perform certain functionings that, on average, people in the reference group are able to, and if this is connected to certain impairment, then the person is disabled with respect to that specific functioning. So, for example, if a blind adult person is unable to drive, whereas on average and under favourable conditions an adult is able to do so, then the blind person is disabled with respect to driving.

Disability, as defined above, is distinct from either a physical or a mental impairment, and the latter do not always result in a disability. Buchanan provides a very convincing example to illustrate this last point. He suggests considering the case of a hearing impaired person who has lost the hearing function with regard to a certain range of frequencies of sounds, range that is detected on average by individuals. If the range of sounds undetectable by the impaired person is irrelevant to the functionings in that person's social environment, then the person in question is not a disabled individual (Buchanan, 2000: 287). Consequently, whether

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<sup>36</sup> See Buchanan, 2000: 285.

impairment does or does not result in disability depends on the possible overcoming of the impairment itself and on the design of the physical and social arrangement one is in. For example, if through specific tools we could provide cars whereby being sighted is not relevant as the functions connected to seeing are played, say, by a computerised monitor, a blind adult person may be able to overcome her inability to drive, hence her disability with respect to that functioning. Thus, in this sense, disability can be seen as inherently relational, with respect both to impairment and to social arrangements, something I am going to address further on. Other dimensions, moreover, are added to the relational aspect of disability.

Disability involves impairment (but the opposite does not hold necessarily) and involves also other dimensions. There are different impairment effects, which may or may not impinge specifically on physical disability, like possible health conditions associated to certain traumas or indeed illnesses, or the pain and the fatigue associated to back injuries and to arthritis. In this case, impairment effects may result in compromising health functioning as well as other functionings, like walking. There is also a temporal dimension to disability, as the inability to function in a certain way can be temporary, for instance when one is unable to see after an eye operation, or more permanent, when the actual impairment and the external, environmental and social conditions of an individual, do not allow for the inability to be overcome, like in the blindness resulting from the loss of the optical nerve function. There is, finally, a dimension of dependency, either on tools or on other people, to help with carrying out functions that, on average, are done more or less independently by people in the reference group. So, for instance, a quadriplegic person may require a personal assistant not necessary to an average individual of the reference group, or a severely cognitively impaired child, different forms of consistent support in order to achieve some basic functionings. These various dimensions of impairment and the relation between them and disability, and, more importantly, the relation between impairment and disability does not appear to be a straightforward causality, but rather seems to stand relationally both with respect to individual features and to the design of the environmental and social arrangement.

Impairments, in this sense, affect functionings and become disabilities in certain social arrangements but not in others (Buchanan, 2000: 287). The design of physical infrastructures and social schemes plays a substantial role in the relation between impairment and disability. Circumstantial elements such as wheelchair accessible buildings and public transportation, as well as the provision of different

tools, all allow for the interfacing between the individual and her environment. It appears, moreover, that the higher the interfacing is, the lower is the possibility for an impairment to result in disability. So, for instance, blindness becomes a disability with respect to the functioning of reading text messages on computer screens to obtain information, when, and if, no use of Braille displays and speech-output screen readers is provided (Perry, 1999: 4). Moreover, society's attitude and the dispositions towards severely cognitive disabled people, although more problematic to outline, have a considerable influence on how mental impairment results in limitations of functionings and in disability. In this sense, Kittay (2003) has described how people's indifference to her daughter Sesha and to her attempts to communicate via the affection and the love she is capable of, has the effect of narrowing down the range of interactions she can enjoy and to amplify her disability. In a capability perspective, therefore, impairment may affect functionings and when it does, then it becomes a disability, and results in restricted functionings. And impairment becomes restricted functionings within the complex interrelation between the individual's characters, her conversion factors and her environment. The higher the interfacing between the individuals' functionings and the social and physical environment she inhabits, the lower the possibility of an impairment to result in disability.

Since functionings are constitutive of a person's being and capability represents the various combinations of functionings that the person can achieve (Sen, 1992: 39-40), hence her freedom to choose one type of life or another, a restriction in functioning results in a restriction of the set of functionings a person can choose from, therefore, in a narrower range of capability. When impairment restricts basic functionings or when the interaction of the individual with her environment does not allow for an overcoming of the restriction in functionings, and more complex functionings are compromised, then the whole capability of the person in achieving her valued ends seems compromised, too.

This last point relates disability in a distinctive way to dimensions of justice and, more precisely, to how and why the capability approach provides new and important answers to my initial questions. What is disability and how can we think of it within a concept of human diversity; how ought disability be evaluated with respect to the design of social arrangements and what relevance, if any, do causal factors of disability have in thinking of justice? The capability framework allows us to think of disability as inherently relational and multidimensional, as one aspect of human

diversity that has to be considered when evaluating the reciprocal positions of individuals and the distribution of benefits and burdens in social arrangements. In determining that disability is one of the aspects of individuals emerging from the interlocking of personal and external factors, the capability approach brings the focal point of the discussions from natural or causal factors of disability more on the actual disability and on how it has to be accounted for in interpersonal comparisons based on functionings and capability. In this sense the capability approach provides a criterion of justice, which is sensitive to disabled people's interests. In this sense, furthermore, a capability perspective on impairment and disability offers new insights to conceptualisations of impairment and disability. The definitional aspect of the perspective seems to have some similarity with the revised WHO International Classification of Functionings (ICF, 2001) and with its circumstantial elements. Nevertheless, the capability perspective on impairment and disability provides us with a framework informed by considerations of justice and equal entitlements for impaired and disabled people, which is an aspect missing from the WHO classification. Two elements, ultimately, appear crucial in positioning a capability perspective on disability with respect to dimensions of justice: the metric chosen in evaluating people's reciprocal positions in social arrangements and the place of disability in that metric, and the choice of design of the social framework, too.

The capability approach invokes a metric where taking into account the personal characteristics that regulates the conversion of resources and goods into valuable ends should define individual shares. Thus, according to capability theorists, physical and mental disabilities should receive attention under a just institutional order and the distribution of resources and goods should correlate with the distribution of natural features. No difference appears to be accorded to natural or socially caused disabilities, since in evaluating what a person is actually able to be and to do with respect to some typical capabilities, this approach is concerned with the resulting distributive pattern of capabilities (Pogge, 2003: 40). Thus, for instance, the interest of a wheelchair user - independently from whether her inability to walking as average moving functioning is related to a congenital condition or to a trauma - has to be accounted for in comparisons made in the space of capabilities and, consequently, a wheelchair provided as a matter of justice. In addition considerations should be extended to the full set of capabilities available to the person using the wheelchair and when environmental or indeed

social barriers are of hindrance to her choice of relevant capability, than these should be removed as a matter of justice, too.

Seeking equality in the space of capability, ultimately, implies using a metric where disability as a difference in the broader concept of human diversity and as limitation on relevant capability has to be addressed within the distributive pattern of functionings and capabilities— therefore implying added provision for disabled people as a matter of justice. This provision, moreover, does not appear to be a straightforward 'compensation' for some natural individual deficits, as disability is considered in its relational aspect, where the design of social frameworks is as fundamental as the 'design' of natural features. Before addressing how the choice of the social framework relates to disability and to questions of just institutional orders, one crucial point has to be addressed.

When evaluating the redistribution pattern in the space of capability, with specific reference to disability, determining the relevant capability is intertwined with determining also the level at which redistribution has to be levered, as it were, in order to avoid the problem of 'infinite demand' or 'infinite redistribution' (Veatch, 1986:159). In this sense, addressing inequalities with reference, say, to poverty issues appears at least intuitively less complex. There seems to be a cut-off point whereby individuals' capability is such that individuals are not considered poor anymore. The dimension implied by disability is more complex. There, the choice of relevant functionings and capability is as important as the determination of a certain standard of functionings that has to be assured. With respect to the choice of capabilities, two considerations seem important here. First, capability theorists often speak of each individual's capability, but the reference is always to the relevant capability, hence to the ability to promote typical or standard ends (Pogge, 2003: 34). This aspect is combined to Sen's distinctions of basic capabilities as satisfying certain important functionings to minimally adequate levels (Sen, 1992:11) and to Nussbaum's introduction of a threshold level for the core central capabilities (Nussbaum, 2000). Nussbaum develops and argues for a defined list of 'central human capabilities' that should be considered constitutional guarantees. All constitutions should therefore include these capabilities and governments must ensure that citizens achieve a certain threshold level of capabilities for functionings. Below this level, according to Nussbaum, the human life loses its dignity (Nussbaum, 2000: 76-86). Secondly, these considerations open also the perspective to evaluating what constitutes a minimal adequate level of functioning

and whether it is appropriate or not to envisage such a level. Here the problem relates specifically to the claim of disabled people's movements that often threshold levels are used for discriminatory purposes, thus ending in socially perverse mechanisms. For instance, the measure of human health through levels of 'Quality Adjusted Life Years', or QALY's indicators, whilst having the intention of measuring a nation's health by determining how disease and disabilities diminished the quality of life for its inhabitants, ended up implying that disabled people's lives were inherently of a lesser quality than other lives (Kittay, 2003: 5). However, a closer look at the problem of 'infinite demand' might suggest that a certain level of functionings, somehow equivalent to a threshold level, has to be introduced as one of the demands of justice. Let us see why.

Consider, for instance, the situation of certain severe forms of multiple impairments, where both physical and mental impairments constrain relevant functionings in substantial ways and therefore result in severe disability and in less capability. Here, in trying to promote full capability having as reference average functionings may imply an infinite redistribution, where more and more resources are provided with the aim of approximating to this referred average. The problem is not only linked to a bottomless distribution, but also to the relation of this redistribution to the conditions of justice, hence to scarcity of resources. If redistributing resources and goods in order to answer the legitimate demand of severely impaired people implies redistributing indefinitely and if this, in turn, means diverting resources from those not in the position of demanding infinite redistribution, thus lowering their opportunities to functionings and capabilities, then the importance of a minimal adequate level of functionings for severely disabled people appears crucial. Consequently, the introduction of a certain adequate level of functionings and, therefore, of capability as reference point for just distributive framework appears fundamental. In this sense, it appears that a threshold level, when used for adjudicating distributive criteria, is not only necessary, but also fundamental as a condition of justice<sup>37</sup>.

The second fundamental element of a capability perspective on disability specifically related to determining the demands of disability on a criterion of social justice refers to the choice and the design of social arrangements. If we agree that the choice of

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<sup>37</sup> These elements of the debate are reintroduced and discussed in chapter 7, where I outline an understanding of educational equality for disabled children and children with special educational needs that specifies such a threshold. See chapter 7.



the dominant social framework and its design substantially determines who is competent and who is incompetent (Buchanan, 2000: 290), who is included and who is excluded, and if we agree on the crucial role played by physical and social arrangements with respect to whether impairment becomes disability, hence a limitation of capability, then the relevance of this last point becomes clear.

Buchanan defines the dominant cooperative framework as 'institutional infrastructure of social interaction' (2000: 288) and describes the framework of most advanced industrialized societies as extremely complex, and involving institutional structures as well as economic ones, highly specified symbolic languages and the dominance of competitive markets in the private sectors. The demands on individuals in order to be competent – or able – in this society are very high and require complex arrays of skills and abilities. This specification of the dominant social framework, therefore, in placing certain demands on individuals already implies who is excluded and who is included. It is, according to Buchanan, like choosing which game a group of people is going to play. If the game chosen is, say, bridge, then young children will be necessarily excluded from the game. Conversely, if the game chosen is 'family', then participation by children is certainly possible. The point, in this case, is that in setting the choice of the framework, the level of inclusion is determined and it is determined in a way that involves competing interests, namely the interest of those efficiently participating in the scheme and those excluded from it. Choosing a dominant cooperative social framework and designing it, consequently, is a matter of justice in that it determines who are disabled persons. But since being disabled has profound consequences in terms of status in society, opportunities and well-being, then there is a legitimate interest for disabled people in inclusion, thus in the choice and design of arrangements geared at participation. How this has to be traded with the interests of those effectively participating in the framework relates in turn to a criterion of social justice. Thus, the slogan of disabled people's movement, 'change society, not the individual', needs to be evaluated with respect to these considerations, too.

There are, however, two compelling reasons for inclusion, and hence for distributive patterns aimed at promoting full capability with reference to disability. The first relates to the devastating consequences of exclusion on the lives and well-being of those excluded, and the second relates to the balancing of interests that such a criterion can purport.

The capability perspective on disability can provide such a criterion for social justice in evaluating the demands of disability within the space of capability, in considering disability as having a specific place in the metric used to assess individual shares and in reinstating the importance of the social framework both in influencing disability and in determining inclusion. Furthermore, conceptualising disability within a capability framework has important implications in the context of education. The role of the next chapter is to highlight such implications.

### **Concluding Comments**

This chapter has presented a reconceptualisation of impairment and disability within the capability approach. It has shown how this approach takes the understanding of impairment and disability beyond the divide between individual and social elements characterising current 'models' of disability, and towards a relational and multidimensional perspective. In capability terms, disability is seen as a specific aspect of human diversity emerging from the interlocking of individual with social, environmental and circumstantial factors. It is furthermore seen as interrelated both to impairment and to the design of social arrangements.

This conceptualisation is inscribed in a normative framework where considerations of equality are based on the use of a metric, which gives a central place to human heterogeneity. Since disability is understood as a specific aspect of human diversity, the capability metric for the comparison of people's relative position is therefore sensitive to disabled people's interests. Moreover, the democratic process advocated by the approach is sensitive also to disabled people's own collective determination, thus fulfilling one of the more pressing demands for participation by their movements.

## Chapter 6

### **The Capability Perspective on Disability and Special Educational Needs: Beyond the Dilemma of Difference in Education**

This chapter applies the capability perspective on disability to the context of education, and presents a conceptualisation and evaluation of disability and special educational needs in terms of functionings and capabilities. It shows how the capability approach provides a theoretical and normative framework within which disability and special educational needs can be reconsidered and re-evaluated for justice and equality in education. The chapter furthermore discusses and offers counterarguments to two critiques of the framework proposed. The first objection questions the capability approach on grounds of its alleged 'stigmatisation' of disability, whilst the second argues against its presumed limited understanding of human flourishing. Against these critiques, the chapter reinstates the capability approach as a valuable normative framework for evaluating disability and special educational needs. Finally, it outlines the theoretical reach of the approach, which has the potential to take the debate on differences and disabilities in learning beyond the concept of needs and, in particular, special educational needs.

#### **Introduction**

In chapter 2 I have outlined the centrality of dilemmas of difference in the debate in special and inclusive education. More specifically, I have presented elements of these dilemmas as consisting in the apparently unavoidable choice between identifying children's differences in order to provide appropriately for their education, but with the risk of labelling and discriminating them; or emphasising the 'sameness' and offering a common provision, with the risk of not meeting the variety of children's learning needs. These dilemmas subsume two fundamental and interrelated questions: What counts as disability and special needs in education? What educational provision can best meet the equal entitlements of disabled children and children with special educational needs? Both questions relate, in turn, to two interconnected aspects: a theoretical dimension, concerned with issues of

conceptualisation and definition, and a political one, which refers to questions of provision in order to meet the equal entitlement of all children to education. In this sense, the debate in special and inclusive education reflects the different and polarised theoretical and political perspectives in socio-medicine and disability studies explored in the previous chapters.

How do theories and policies in education respond to the problem of conceptualising learners' differences and to the claim of equal entitlement for disabled children and children with special educational needs, both at the ideal level of theory and in the actuality of schooling? As outlined in chapter 2, the answer is rather unsatisfactory. The absence of a principled framework informing both definitions and equal provision for disabled children and children with special needs, results in extreme variations in perspectives, policies and practices, thus, ultimately, in rather widespread unequal conditions. In particular, the absence of a principled framework is evident specifically in the opposing theoretical perspectives informing the debate in special and inclusive education. Positions in that debate can be subsumed in the dichotomy between asserting that learning difficulties are caused by factors essential to the individual child and, conversely, in maintaining instead that they are caused by the limitations of schools and by institutional barriers. As seen, the opposition between individual and social elements presents consistent theoretical limits, which are mainly related to the unilateral causality and to the fixed dichotomy proposed. According to Norwich,

Individual difficulty versus the organizational inflexibility is a false causal opposition. The social and the individual are not exclusive alternatives between which causal accounts are chosen. We need accounts which can accommodate the individual personal with the social organizational (1993: 20).

I maintain that the capability approach provides exactly a normative framework where individual personal and social organizational can be accounted for in their interaction. More specifically, what I argue in this chapter is that the capability approach offers new and important insights towards the fundamental issue of conceptualising differences in education, and particularly the differences entailed by disability and special educational needs, while aiming at social justice. I contend that re-examining disability and special needs through the concepts of capability and functionings presents theoretical advantages with respect to current understandings, thus providing innovative insights in terms of conceptualisations. Furthermore, the centrality of freedom in this perspective and its approach specifically based on assessing inequalities in terms of capabilities, constitute a

normative framework where questions of a just educational provision for disabled children and children with special needs can best be evaluated. Ultimately, since the capability approach is fundamentally concerned with justice and equality, it is within this framework that the crucial questions at the core of dilemmas of difference in education can find important normative answers.

The chapter addresses also two important objections to the capability approach on disability and special educational needs, both arguing against its feasibility in representing the interests of disabled people. The first objection maintains that since evaluating disability and special needs in terms of capability highlights them as vertical differences, and hence as differences that entail an evaluation in terms of disadvantageous individual endowments, the capability approach presents a view that stigmatises disability as a negative personal aspect. The second objection argues against the presumed overstated value posed by the approach to functional capabilities and, therefore, it critiques its validity in adequately representing disability. If these positions are sustained, then the perspective outlined in my work loses its theoretical and normative legitimacy. Therefore, in this chapter I analyse and counter-argue both objections, and reinstate the validity of the framework I suggest. This clears the path towards showing how this framework has the potential to extend beyond particular conceptualisations of 'special educational needs'.

The chapter is organised in three sections. The first presents a re-conceptualisation of special educational needs and learning difficulties within the capability perspective. The second section discusses the two objections to the framework outlined, and defends it as the appropriate normative framework for reconsidering the differences entailed by disability and special educational needs. Finally, the last section discusses how the idea of capability relates to, and subsumes concepts of human needs, thus leading to a perspective that has the potential to take the debate beyond ideas of needs and, more specifically, special educational needs.

As we shall see, this discussion highlights the significance of the two initial questions, which are not only central to the field of special and inclusive education, but also fundamental for educational theories and policies in general. Conceptualising disability or differential abilities within a normative framework that considers the compelling moral claim of justice, implies addressing the relation of these concepts to the aims, values and functions of education in general. Thus, operationalising the capability perspective on disability and special needs in the

context of education may suggest further theoretical insights on what this approach has to offer to educational theories and policy in general.

### **6.1 Re-examining Differences in Education: The Capability Approach**

Before suggesting how the capability approach provides us with an alternative framework for thinking about differences in education, let us recapitulate the main elements of the capability perspective on impairment and disability developed in chapter 5.

According to Sen, equality and the relative positions of individuals within social arrangements should be evaluated in the space of capability. Capabilities are the actual freedoms and opportunities people have to lead the lives they have reasons to value, and represent 'what people are actually able to be and to do' (Nussbaum, 2000). Capabilities are capabilities to function, that is, to choose among alternative bundles or sets of valued functionings. The latter, in turn, are beings and doings constitutive of a person's being. Walking, reading, writing or being well nourished or emotionally balanced are all basic functionings, which enable more complex functionings, like, for instance, practicing medicine or being an environmentalist.

Considerations of human diversity are central to the capability approach, thus making it a particularly important framework for re-examining disability. The approach provides a metric to assess people's relative positions, which is sensitive to the demands of impairment and disability, in that it assumes differences as central to its informational bases and, more specifically, it includes personal characteristics also in terms of differences regulating the conversion of resources into valuable ends. Furthermore, in considering how external, circumstantial factors interact with individual characteristics, and in placing this aspect as part of the informational bases of the metric, this approach is open to considerations in relation to the relevance and impact of the design of social arrangements on issues of disability.

Within this framework disability is conceptualised as limitation on relevant capabilities and is seen in its relational aspect, both with respect to impairment and to the design of environmental and social arrangements. Hence, rethinking impairment and disability in terms of capabilities implies considering what are the full sets of capabilities one person can choose from and evaluating the impact of impairment on these sets of freedoms. It implies, moreover, considering the

interface between the individual and the environmental characteristics in assessing what circumstantial elements may lead impairment to become disability, and how this impacts on capabilities. In this sense, impairment and disability are elements to be accounted for, both in theories of justice and in social policy, when considering what a person is actually able to be and to do.

I suggest that this conceptualisation of disability in terms of capability has important theoretical and normative implications for education. More specifically, what I argue is that reframing elements of the dilemma of difference through the capability approach can bring forward the theorisation of what counts as disability in education. The dilemma of difference relates to the difficult choice between identifying children's differences in order to provide for their needs, but with the risk of labelling and stigmatising them, and accentuating what is common among children, with the risk of not making available what is needed by the individual child. I maintain that the capability approach provides a framework, which not only overrides unilateral understandings in terms of individual causal factors as opposed to social causal factors of learning difficulties, but also and fundamentally considers dilemmatic aspects in terms of justice. I furthermore suggest that the capability approach leads the debate in special and inclusive education beyond the contentious concept of special educational needs. But let us now proceed to substantiate these claims.

As we have seen, dilemmas of difference consist in the identification of children's difference in relation to education and schooling systems, when aiming at appropriate, additional provision in order to achieve the aim of educating all children. They refer to considerations of learning difficulties as emerging from the relationship between individual child and schooling system. How can the capability perspective address aspects of dilemmas in significant ways? I maintain it can do this in two substantial ways: first, by actually reconsidering the dilemmas through concepts of functioning and capability and through the capability metric, hence by substantially conceptualising the relational aspect of disability both to impairment and to schooling factors. Second, by rethinking disability and learning difficulties through concepts of functionings and capability and within the framework entailed by these concepts in their contextualisation in education.

Let us start by taking into account aspects of dilemmas of difference and by reframing them within the capability perspective. Disability, as we have seen, results

in capability limitation, and is relational both to impairments and to the design of social arrangements. More specifically, impairments affect functionings and become disability in certain arrangements but not in others, hence disability implies impairment, but the opposite does not hold necessarily<sup>38</sup>. Let us now translate this perspective into education.

Consider, for instance, dyslexia. Dyslexia may considerably affect the achievement of basic functionings like reading and writing, and hence may result in a consistent limitation of immediate functioning achievements and of future capabilities (more on this later on). In this sense, dyslexia is an individual disadvantage in certain aspects of education, namely all those related to literacy, where the individual may experience 'learning difficulties'. Yet this potential restriction in functionings may not become a disability, hence a realised functioning restriction, when the educational environment is appropriately designed to address the learning modalities of a dyslexic individual and the individual is receptive to it. The capability framework looks precisely at this relational aspect of how the individual child interacts with her schooling environment and how she converts resources into functionings, whilst considering at the same time how the environment is designed. In this sense, no emphasis is posed on within-child factors over educational factors or vice versa, since the focus of the framework is on the interaction between the two elements. In this sense, moreover, no unilateral causal relation is established between individual or indeed circumstantial features and disability or learning difficulties. Finally, this approach takes into account not only their interaction, but also the complexity of both dimensions, individual and circumstantial.

Before reconsidering how the capability metric evaluates dyslexia, or any other limitation of capability, it is important to contextualise, albeit in a preliminary way<sup>39</sup>, elements of the capability approach in education. Contextualising capability in education entails two dimensions, the first connected to bringing into focus the value of education and the second related to the expansion of capability (Saito, 2003:18).

With respect to the value of education, the role Sen ascribes to capability, namely its direct relevance to people's well-being and substantive freedom, relates both to the intrinsic and instrumental value of education. Although this is not a clear cut and unproblematic distinction, we can consider two ways in which education is valuable,

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<sup>38</sup> See chapter 5.

<sup>39</sup> Chapter 7 presents an operationalisation of the capability approach in education and deals with these issues more extensively.



and in which, therefore, it contributes to personal well-being (Brighouse, 2000, Saito, 2003, Unterhalter, 2003). Education is instrumentally good in that it yields other benefits, like better life prospects and career opportunities. In this sense being educated improves one's opportunities in life. On the other hand, education is good in itself, in that being educated, other things being equal, enhances the possibility to engage in a wider range of activities and to fully participate in social life. Thus being educated relates to a more fulfilling life. This first aspect of the relationship between education and capability relates substantially to the second and more relevant one, that is, to the role education plays in expanding capabilities.

Education expands capabilities in terms of capacity or ability as well as in terms of opportunity, hence in terms of capability sets available to individuals (Saito, 2003: 27). For example, learning maths not only expands various capacities connected to mathematical reasoning and problem solving, but also widens the individuals' set of opportunities and capabilities with respect, for instance, to choices of occupation. Furthermore, the broadening in capability entailed by education extends to the advancement of complex capabilities. While promoting reflection, understanding, information and awareness of one's capacity, education promotes at the same time the capacity to formulate exactly the valued beings and doings the individual has reasons to value. In this sense, ultimately, education enhances capability in terms of achieved functionings, hence well-being achievements, as well as in terms of well-being freedoms.

In this respect, however, contextualising the capability approach becomes more problematic when relating to the education of children. This is due to the particular status of children, which requires adults to protect children's interests, but also does not allow for agency freedom or the exercise of autonomous choices<sup>40</sup>. Sen has emphasised the importance of concentrating not on the freedom the child has, but on the freedom she will have in the future. Thus, in dealing with education, and specifically with compulsory education, Sen argues

I think the main argument for compulsory education is that it will give the child when grown up much more freedom and, therefore, the educational argument is a very future oriented argument (Sen, quoted in Saito, 2003: 27).

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<sup>40</sup> See Shapiro, 2003 and also Archard, D. and MacLeod, C. (2002) *The Moral and Political Status of Children*. Oxford: Oxford University Press.

Consequently, while expanding capabilities, education plays a very important role in promoting the future freedoms children will have to choose their valued beings and doings.

This prospective dimension of education as a capability that expands capabilities has fundamental implications for the theorisation of what the capability approach can offer to educational theory in general. Moreover, this future-oriented perspective has interesting connections to the determination of the aims and the values of education itself; a point, however, that goes well beyond the immediate scope of this section. In relation to this specific point, this future dimension is particularly significant in terms of highlighting the importance of achieving certain functionings in education, hence in pointing out that the implications for learning of the interaction between individual differences and educational systems have to be carefully evaluated. It is in this sense, ultimately, that the capability metric in assessing diversity is particularly significant.

In view of these considerations, let us now analyse how the capability metric evaluates, for instance, dyslexia in relation to education<sup>41</sup>. Dyslexia, as seen, impairs reading and writing functionings, hence a child with dyslexia is disadvantaged in certain aspects of her education when compared to a non-dyslexic child. Since being literate has intrinsically and instrumentally important values, dyslexia limits not only the achievement of reading and writing functionings, but also of prospective relevant capabilities. Consequently, dyslexia is considered a difference, which, in affecting functionings, constitutes an identifiable disadvantage. Is it an absolute disadvantage? No, it is relational with respect to the design of educational systems. Suppose, for example, that there be an educational system completely based on singing and musical curricula. In that educational design, dyslexia would certainly have a very different impact than the one it has on literacy based systems. Furthermore, dyslexia is a relational limitation also in a second sense, in that literacy based systems can and indeed have to provide specifically and appropriately for it. The capability metric provides this fundamental insight. It furthermore highlights how additional and appropriate provision in the case of dyslexia, as in any other restriction of functioning and capability, becomes a matter of justice. Moreover, it is not in terms of assistance that differential resources are

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41 These and following considerations draw from Unterhalter and Brighouse, 2003.

due, but in terms of equality in the space of capability, aspects that I shall address in the next chapter.

The reframing of elements of the dilemma of difference in terms of capability is complete. Let us now focus, therefore, on the reconsideration of other learning difficulties, in addition to the case of dyslexia already addressed, through concepts of functionings and capability within the educational framework identified. Let us analyse three 'categories', namely physical disability: sensory impairment in terms of hearing impairment, severe learning difficulties, and autism.

Taking into account hearing impairment means looking at how it has an impact upon education on related functionings and capabilities sets. Hearing enables basic functionings like, for instance, listening and communicating. The latter, whilst being fundamental to all dimensions of learning, play a specific role for example in language and foreign language acquisition. Hence, *prima facie*, a complete hearing loss, like in the case of deafness, significantly restricts basic functionings and relevant capabilities. However, there may be a second way of considering hearing impairment and of looking at the specific dimension entailed in this case by education. We need to introduce here a concept proposed by disabled people movements and specifically by disabled scholars, namely the concept of doing the same thing in different ways, or alternative functioning. It is well accredited that deaf people can effectively 'listen' to vocal messages by way of 'lip-reading' and communicate through sign language. For example, in the community of Martha's Vineyard, the wider population commonly and effectively adopted both English and sign language, learning them from infancy and thus virtually nullifying the functioning restriction of the deaf group of the community (Ree, 2000: 201). Yet our social arrangements are not designed like Martha's Vineyard and are instead based almost exclusively on vocal languages. Without exploring here the reasons and the implications of such arrangements, it is worth considering the concept of alternative functioning in education. In particular, education can play a significant role in expanding capabilities for hearing impaired children while providing for the functionings as well as alternative functionings they can achieve; after all, many hearing impaired people are effectively literate in the understanding, albeit some may not be in the production, of two languages. How does the capability metric compare functionings to 'alternative' ones? It considers functioning in alternative ways a personal feature, which stands as a vertical inequality with respect to functioning in relation to the design of educational arrangements and therefore as a

disadvantage. The same consideration extends to other physical and sensory impairments.

A consideration of severe learning difficulties entails a more complex situation. Severe learning difficulties refer to a potentially wider limitation in functionings, from basics to more complex ones, hence in relevant and substantial capability limitations. Basic functionings like independent mobility, making friendships or communicating can be limited, as well as functionings like choice making and participation. Consequently, given the complex characteristics of contemporary educational systems, a child with severe learning difficulties is at a considerable disadvantage. Here again, severe learning difficulties constitute a vertical inequality, which the capability framework highlights in its relational aspect to the design of educational systems.

Finally, consider the complex case of autism. As in previous examples, the two dimensions highlighted by the capability approach, i.e. considering autism in terms of functionings and capabilities and evaluating it through a capability metric, not only capture the complexity of autism both in itself and with respect to the design of educational systems, but also fundamentally show how autism stands as vertical inequality with respect to non-autism. Let us see how. Although ‘experts differ on the range and the severity of behaviours identified with autism’ (Alderson & Goodey, 2003: 73), and despite the fact that autism has a vast array of different manifestations, the condition is generally defined in terms of a disorder in the development of mental functionings. It is characterised as a qualitative impairment, which affects functionings of social interactions and social integration, the acquisition of language, and verbal and non-verbal communication (Frith, 2003: 9-10). This impairment may be accompanied by strengths in other functionings, like ‘a style of information processing that is focussed on detail’ or excellent selective memorizing functionings, and fluent and articulate language related to specific individual interests. However, none of these possible functionings seem to act as alternative functionings, counteracting the qualitative impairment itself. Moreover, the level and significance of the impairment vary from severe to mild in relation to the child’s development and differ at different ages (Frith, 2003:206-207). A child with autism, therefore, may present significant limitations in functionings such as talking, understanding ordinary communication, understanding verbal and non-verbal cues, attributing thoughts to others and intentions to their actions and, more generally, understanding and participating in ordinary social interactions. Moreover,

reading functionings, especially those related to reading for meaning and to processing content may be significantly limited, as is the capacity to relate meanings to contexts. Notwithstanding the complexity of the condition, in the case of autism too, education can play a crucial role in expanding functionings, hence future capabilities. Explicit learning activities such as promoting the knowledge of own and others' thoughts or the emphasis on conscious rules to reach the ability of understanding non-literal remarks in social utterances, have all proven to be effective ways, among others, of enhancing communicative functionings in children with autism (Frith, 2003: 218). Although more difficult to highlight in its relation to the design of educational systems, given its foundational and consistent limitation in functionings, autism presents some relational aspects to the choice of educational arrangements. Let us imagine, for instance, an educational system characterised by uniquely promoting and strengthening the child's specific individual ability and interest, irrespective of a wide array of activities and of the achievements of broader educational aims. Suppose, moreover, that the school environment were designed as to limit or even nullify social interactions by focussing on the assignment of specific individual tasks only. In this educational system the impact of autism would certainly be less significant than the one it has on a system characterised by a wide range of learning activities and by the substantial promotion of forms of social interactions. This reconceptualisation of autism in terms of capability leads us to the fundamental evaluation implied by the capability metric with respect to the functioning restrictions of autism. The limitations experienced by children with autism markedly restrict their functionings achievements and their future choice among sets of valuable beings and doings, hence of valuable capabilities. In this sense, autism is a vertical inequality, or an inequality that relates to a disadvantage, and a child with autism is at a considerable and pervasive disadvantage when compared to a non-autistic child. Here again, this is the fundamental insight of the capability metric.

Let us now try to provide a first answer to the question of what counts as disability and special needs in education. Seen within a capability framework, disability and special educational needs are restrictions in functioning achievements, such as those analysed in the previous examples, which relate to the design of educational systems. In light of the specific role of education as a basic capability and in expanding capabilities, a child's functionings limitations result in limitation of the child's future capabilities. Consequently, the capability metric highlights disability,

and indeed special educational needs, as a vertical inequality when compared to non-disability and to the absence of special needs, or, at a normative level, as a kind of difference that, in limiting functionings, has to be addressed as a matter of justice. This yields fundamental implications for the conceptualisation of justice in education for disabled children and children with special educational needs, which is the subject of my next chapter.

Before analysing questions of equality and justice, however, two further issues have to be examined. The first concerns addressing some objections to the conceptualisation of disability and special educational needs in terms of functionings and capabilities. Since these objections relate directly to the position I have been outlining in this and last chapter, it is important to offer a counterargument before proceeding with our analysis of how the capability approach responds to compelling issues of justice for disabled children and children with special educational needs. The second important issue reconsiders the capability approach and specifically the ways in which a capability-based framework may theoretically extend beyond notions of human needs and, therefore, special educational needs, as the term is currently understood in educational debates. Let us start by analysing and responding to some objections that have been raised against the capability approach and its use of a metric that is sensitive to individual differences.

## **6.2 Defending the Capability Approach on Disability and Special Educational Needs**

In this section I discuss and offer counterarguments to two important objections to the capability approach, presented respectively by Thomas Pogge (2003) and by David Wasserman (1998). These objections question the evaluation of impairment and disability within the framework proposed by the capability approach and its assessment of inequalities in terms of people's capabilities. Whilst Pogge raises his critique of the approach on the grounds of its alleged stigmatisation of disability, Wasserman expresses doubts about its 'rigid and dogmatic account of human flourishing' (Wasserman, 1998: 196). More specifically, on the one hand, according to Pogge the capability approach, in considering disabilities in terms of vertical inequalities, ends up highlighting them as negative characteristics. This leads to a view of disabled people as less well endowed than able-bodied persons, hence to a

'stigmatising' position whereby disabled people are seen as 'naturally disfavoured', and overall 'less valuable'. On the other hand, according to Wasserman, the capability approach tends to exaggerate the value of certain functional capabilities, and presents questionable comparisons between different ways of flourishing, which may be incommensurable. For instance, he argues that the flourishing of a visually disabled person is difficult to compare to the flourishing of a sighted person, given the wide differential formation of life plans related to different conditions. Consequently, Wasserman claims that the emphasis of the capability approach on opportunities for functionings leads to a rather fixed and restricted view of human flourishing, and wrongly presumes that a wider set of possible functionings is intrinsically more valuable than a restricted one.

Against these objections, in this section I restate that the capability approach provides a valuable and normatively justified framework for reconsidering disability and special needs. First, in addressing Pogge's position, I maintain that the approach does not necessarily lead to a stigmatising and negative view of disabled people, but presents instead the elements for a reconsideration of disability and special needs as specific traits of human heterogeneity, which, in being relational to the design of institutions, have to be addressed fundamentally as matters of justice. And the latter is a distinct insight of the capability approach. Furthermore, I argue that the capability approach provides a framework for reconsidering the impact of disability and special needs on individuals' advantage, both in terms of justice as distribution of resources and in terms of justice as recognition of differences<sup>42</sup>, thus setting a framework specifically apt to considerations related to disability. Second, I maintain that Wasserman's critique represents not only a partial understanding of the capability approach, but also a questionable position with respect to the possibility of establishing comparisons between people's states, and more so since these comparisons are fundamental to issues of justice. Furthermore, I defend the notion of human flourishing inherent to the capability approach from Wasserman's conclusions. Let us start by addressing the more radical of the two objections, Pogge's critique, and then proceed to analyse Wasserman's concern.

In his essay *Can the Capability Approach be Justified?* (2003) Thomas Pogge proposes a set of critiques of the capability perspective based on what is known as the primary goods approach. It is worth here briefly outlining some elements of this

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42 This aspect is discussed in more details in chapter 8, where I address broader objections to the egalitarian framework based on the capability approach developed in my work.

approach, which may help clarifying Pogge's position<sup>43</sup>. Proposed by John Rawls, the primary goods approach maintains that in evaluating people's relative positions for the purpose of justice, we should compare individuals' holding of social primary goods. Social primary goods are features of institutions and resources that free and equal citizens need in order to live a complete life (Rawls, 2001:58). The list of social primary goods includes the basic rights and liberties, freedom of movement and choice of occupation against a background of fair equality of opportunity, powers and prerogatives of office, income and wealth, and the social bases of self-respect (Rawls, 2001: 57-60). According to the primary goods approach, our concern for justice requires institutions designed to give people equal holding of these social primary goods, hence two people with the same shares of primary goods should be judged equally well off. Furthermore, considerations about people's natural endowments, what Rawls calls the results of the 'natural lottery' (Rawls, 2001: 89), are not part of the assessment of inequalities among individuals, and the metric upon which individuals' positions are evaluated is not sensitive to personal heterogeneities. It follows that the primary goods approach evaluates, for instance, the positions of a visually disabled person and an able-bodied person as equal, providing they have the same holding of primary goods.

The capability approach challenges this perspective by stating that what is relevant to justice is not people's access to valuable social primary goods, which are always resources, but people's access to valuable functionings, that is, people's capabilities for functionings (Pogge, 2003: 23). For the capability approach, fundamental in the evaluation of people's relative advantage is the centrality of human diversity, since different people have different conversion factors of resources into valuable functionings. Hence the capability metric is sensitive to personal heterogeneities. In this sense, the capability approach evaluates the position of a visually disabled person as unequal when compared to the position of an able-bodied individual, and considers disability a difference that, whilst being relational to the design of social and institutional schemes<sup>44</sup>, has an impact on people's sets of capabilities and constitutes, therefore, a vertical inequality. Ultimately, impairment and disability have to be taken into account in evaluating people's relative advantage in capability terms, both in the design of institutions and the distribution of resources. The key

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43 I focus here primarily on the elements that are foundational to Pogge's critique, whilst leaving a more detailed account of this approach to chapter 7. My discussion of Pogge's argument draws extensively on Unterhalter and Brighouse, 2003: 10-12.

44 See above and also chapter 5.



difference between the two approaches lies exactly in this element of sensitivity to personal differences in evaluating individuals' positions within a concern for justice. Whilst the primary goods approach does not take into account personal heterogeneities as relevant determinants of people's shares of resources, the capability approach argues instead that personal heterogeneities are fundamental to the evaluation of such shares.

Pogge maintains that these contrasting positions lead to a crucial difference in the considerations of individuals' natural features. More specifically, he claims that the capability approach, in including individual natural differences among the elements of moral concern, ends up identifying disability and special needs always as vertical inequalities and, thus, stigmatising disabled people and people with special needs as somehow overall worse endowed than other people. In Pogge's words,

The capability approach seeks to give such a person (disabled person) a claim in justice, so she need not ask for extra resources as a special favour, but can come forward proudly, with her head held high, insisting on additional resources as her due. (...) To have a valid claim that she is owed compensation as a matter of justice, she must present her special limitation, need, or handicap as one that outweighs all other particular vertical inequalities and entitles her to count as worse endowed all things considered (2003: 55).

Conversely, the primary goods approach considers personal inequalities in natural endowments irrelevant to moral concerns, and equates disability to individual natural features, like the colour of the hair, or the eyes, or one's height. In seeing these features as horizontal, this approach avoids any stigmatisation of people on the bases of their natural characteristics (Pogge, 2003: 54-5). Hence the alleged superiority of the primary goods over the capability approach in considering disability and special needs without stigmatising them.

Can the capability approach respond to this objection? A first consideration<sup>45</sup> refers to a possible agreement between the two approaches in evaluating the impact of the design of social and institutional arrangements on disability. The extent to which impairment becomes disability relates evidently to the ways the environment or the social scheme are organised. For instance, a visual impairment determines an individual's lack of reading functionings, hence becomes a disability, when Braille facilities are unavailable. In this case, both approaches would converge on the necessary environmental and institutional adjustments for the elimination of inequalities. However, the differences between the two approaches emerge starkly

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45 See Unterhalter and Brighouse (2003), pp. 9-10-11.

when considering cases in which there is real inequality of functionings that cannot be overcome with social and environmental adjustments. In this case, Pogge's claim loses its force, and not only the primary goods view appears less apt to evaluating individuals' relative positions within a concern for justice, but also notions of functionings and capabilities appear more suited to this evaluation. Let us examine why.

Consider, for instance, the restrictions related to visual impairments with respect to the possibilities of recognising people, or reading social and non-verbal cues in social interactions. Clearly, no environmental or institutional reform could currently be conceived to the extent of overcoming the limitations in social functionings experienced and expressed by visually disabled people<sup>46</sup> in these cases. How does the primary goods approach evaluate this situation? In order to avoid the presumed stigmatisation in considering the limitation a vertical inequality, this approach needs to think of the disadvantage either as socially determined or as irrelevant. However, both positions appear evidently problematic. First, the specific disadvantage of the visually disabled person, in the situation mentioned above, cannot be overcome by changing the design of social institutions, and might be possible only by overcoming the impairment itself. The primary goods approach runs therefore into a difficulty here, since there are restrictions related to certain impairments, which are not socially determined, and where a modification of the environmental and social design would not lead to a levelling down of inequalities among individuals. Second, and consequently, the primary goods approach, in maintaining that personal differences associated to impairments and disability are horizontal inequalities, hence are irrelevant to questions of justice, ends up seriously overlooking those substantive inequalities related to certain restrictions in functionings. Finally, it seems also that appealing to notions of functionings and capabilities can capture these inequalities in a far more just perspective than the primary goods one, since the restriction experienced by the visually disabled person of the previous example is a limitation in certain functionings, and not in any social primary goods. The capability approach captures this dimension and, rightly, maintains not only that a visual impairment is a vertical inequality with respect to certain functionings, but also that additional resources are due in this case as a matter of justice.

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<sup>46</sup> See chapter 3, and French, 1993.

A further example can confirm this position. Consider again the case of moderate learning difficulties explored previously, and specifically the case of dyslexia. Why should we devote additional resources or adopt specific learning techniques in teaching dyslexic children, if dyslexia is indeed a horizontal inequality, comparable, for instance, to being medium built? Here again, it seems that Pogge's position presents problems in considering this case, or any other learning difficulties, since in order to deny that dyslexia is a vertical inequality, it needs either considering it entirely socially determined or maintaining, as it tends to do, that it is a horizontal inequality. Yet both positions are evidently problematic. Dyslexia, as seen previously, may limit the achievement of important functionings, like reading and writing hence it may affect the individual's functionings and the individual can experience learning difficulties. In this sense, dyslexia is an individual disadvantage, which is relational to the design of the educational system. Taking this example further, one can argue that dyslexia would not constitute a disadvantage in non-literacy curricula. Whilst the condition that relates to dyslexia would still be inherent to the individual, in such a system its implications in terms of possible disadvantage would not appear. It follows that the choice of educational system and curriculum contributes to the possible disadvantage experienced by a dyslexic person. As such, the choice of educational system has to be justified to the disadvantaged person in terms of the additional benefits that such a system provides to her overall well-being, since there are undeniable higher levels of well-being associated to living in a literate society (Unterhalter and Brighouse, 2003: 12). However, it does not follow from the previous elements that dyslexia is either entirely socially determined, nor that it is irrelevant to questions of justice. On the contrary, the relational aspect of dyslexia requires its recognition as vertical inequality when compared to non-dyslexia, in light of its impact on fundamental literacy functionings. It furthermore requires the provision of additional resources as a matter of justice, hence as a just way of addressing the real disadvantage associated to it.

One aspect of defence against Pogge's critique is accomplished. However, this aspect does not address entirely the stigmatisation Pogge ascribes to the capability perspective on disability and special educational needs, and a second level of argument is therefore required here. I start by noting that, recognising, as the capability approach does, that certain personal characteristics, in interacting with environmental and social factors, may lead to a vertical inequality, does not establish a causal relation between such inequality and any stigmatising effect.

Nevertheless, disabled people's movements have long denounced the discrimination and the oppression embedded in any evaluation of disadvantage and, in this sense, Pogge's critique of the capability approach presents some similarities with that position, in that it appears to argue against establishing any correlation between impairment, disability and disadvantage. But does the evaluation of disability and special educational needs in terms of functionings and capabilities restrictions, hence in terms of vertical inequalities, really correlate to a stigmatising view? I maintain that the capability approach can respond to this element of Pogge's critique on the bases of its encompassing not only elements of justice in terms of redistribution of resources, but also, and importantly, elements of justice in terms of recognition of differences (Robeyns, 2003)<sup>47</sup>.

Recall here the fundamental framework of the capability approach: what counts for justice and equality is what real and effective opportunities people have to choose the life they have reasons to value, hence to do what they value doing, and to be the kind of person they want to be (Robeyns, 2003: 545). Attention is not given to a standardised list of resources, as in the case of primary goods, which are arrived at on the basis of what, on average, normal individuals would need to lead a complete life. In the capability approach, attention is given to the specific sets of functionings and capabilities of each person. In this sense, recognition is given to any sets of valuable capabilities for functionings, encompassing any personal diversity, with a view of expanding individuals' freedoms. Hence sets of capabilities that society should aim to enable can be specified for visually disabled people, or for mentally disabled persons, all with the goal of expanding freedoms and well-being. Expressed aims of the approach are exactly the expansion of people's overall capabilities, as well as equality in the space of basic capabilities. The latter are those fundamental beings and doings crucially important to people's well-being, like being in good health, well nourished and sheltered, educated and able to participate in society without shame. Within the capability approach disability and special educational needs, whilst being evaluated in terms of vertical inequalities, or real disadvantages that require additional resources, are also considered in relation to the individual well-being and to the possibility for individuals of choosing valued functionings.

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47 As mentioned above, this aspect is addressed in more detail also in chapter 8.

It seems, therefore, that the capability approach does not necessarily stigmatise disability and special educational needs, but reconsiders them in their specificity with a view on the person's choice over her life. And undeniably such a choice would be compromised, should disability and special needs considered in terms of primary goods or resources only, since in the latter case the person's specific difference and its related possible disadvantage would remain not addressed. Ultimately, in recognising the importance of human flourishing and well-being, and in allowing in considerations on valuable different sets of capabilities, not exclusively related to an average person but instead encompassing human heterogeneity, the capability approach is sensitive to issues of positive recognition of differences. Although this line represents only a partial response to Pogge's critique, I maintain that it suggests themes for further exploration of issues of recognition as fundamentally interrelated to issues of redistribution. It seems therefore that the capability approach has the potential to address both dimensions in fruitful and morally significant ways.

In the light of these considerations, let us now turn our attention to Wasserman's critique of the capability perspective on disability and special needs. Although Wasserman refers primarily to Nussbaum's position, his critique questions the foundation of the approach by raising two important issues. The first relates to the exaggerated value the approach places on standard sensory and motor functionings for human flourishing, whilst presenting questionable comparisons between different ways of flourishing in life. In this sense, Wasserman claims, being sighted and being blind lead to rather incommensurable ways of flourishing, and it is unclear why a larger set of functionings should determine a better flourishing. The second argument, interrelated to the first, refers to the rather fixed version of human flourishing presented by the approach, whereby a restricted set of capabilities for functionings is seen as less valuable than a broader one. Ultimately, according to Wasserman, the capability approach is difficult to translate into a usable metric for comparative well-being (1998: 199).

Can the capability approach address these problems in significant ways? I maintain that the arguments discussed with reference to Pogge's critique can effectively be used to counter-argue Wasserman's concerns. Hence, here I will only add some considerations to those already outlined above. First, on the rather incommensurability of human flourishing based on comparing sets of functionings. It seems that Wasserman tends here not only to overstate the importance accorded to

sensor and motor functionings by the approach, but also, and more importantly, to overlook how the elements of capabilities, hence of opportunities for functionings, relate to questions of justice. The capability approach considers the individuals' opportunities for functionings and the element of choice among valuable sets, whilst evaluating individuals' advantage with respect to them. Recall here the example of the visually disabled person experiencing restrictions in her functionings of reading non-verbal cues in social interactions. Whilst it is perfectly acceptable to maintain that a person can flourish in the absence of these functionings, it is conversely rather evident that reading non-verbal languages enhances people's social interactions, which, in turn, may contribute to personal well-being. Here the capability approach does not impose a set of functionings as intrinsically more valuable than another, but acknowledges the possible disadvantage associated to certain restrictions in capabilities. After all, whilst the visually disabled person cannot, at least under present circumstances<sup>48</sup>, arrive at reading non-verbal messages, an able-bodied person could always choose not to read these cues. The acknowledgment of this restriction is relevant for issues of justice. Furthermore, and interrelated to the previous point, the capability approach does not deny the flourishing of the lives of disabled people per se, but outlines how certain functioning restrictions may need additional or appropriate resources exactly when aiming at human well-being and flourishing. And the importance of this last point is recognised by Wasserman when he states,

A society in which people with atypical functions enjoyed roughly the same standard of living as the general population, in terms of food, clothing, housing, work, security, and leisure, would clearly be more just than our own society (1998: 200).

This kind of society, however, is really one of the core aims of the capability approach hence Wasserman's first concern is actually appropriately addressed within the approach itself.

But Wasserman's critique goes further, and questions the understanding of human flourishing in terms of well-being, since he maintains,

But that society could still be faulted if its impaired citizens, despite their comfort, security and leisure, had little opportunity for friendships, adventure, or cultural enrichment. It is unclear, though, how we could assess their comparative disadvantage without recourse to a more comprehensive account of human flourishing (1998: 200).

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48 I am referring here to technical and environmental designs as they are now.

Here again, I maintain that Wasserman's position reflects an under-specified account of the capability approach, and, in particular, of its conceptualisation of people's well-being. Whilst Wasserman does not express what a more comprehensive account of human flourishing would involve, thus somehow eluding his own challenge, he also seems to present a partial account of the concept of well-being as conceptualised within the capability approach, and of how it relates to people's freedom. Recall here that, according to Sen, 'The well-being of a person can be seen in terms of the quality (the well-ness, as it were) of the person's being' (1992: 39). Further, fundamental to the approach is the well-being freedom enjoyed by individuals. This, in turn, translates into the possibility of choosing among valuable beings and doings, hence into the actual and effective opportunities to choose one's valued way of flourishing. All the capability approach maintains is that people should be given equal and effective access to these opportunities. Moreover, inequalities among them should be assessed in terms of these effective and real opportunities for functionings, and any inequality in this space be considered a matter of justice. Ultimately, the capability approach in no way excludes considerations of 'opportunities for friendships, adventure and cultural activities' for disabled people, but, whilst providing equal and effective access to these functionings, leaves choosing them to the individual. In this sense, it appears that the capability approach can, and indeed finds appropriate answers to Wasserman's concerns.

This section has addressed two main objections to the capability perspective on disability and special educational needs and has shown how the approach presents a theoretically and morally justified account of the kinds of differences entailed by these dimensions of human heterogeneity. Having defended the capability approach against these two main critiques and somehow 'cleared' its path, in the final section of this chapter I outline a further important theoretical insight inherent to it, which has the potential to bring theories and conceptualisations beyond the idea of needs, and, more specifically, special educational needs.

### **6.3 Beyond the Concept of Special Educational Needs? Capabilities, Basic Capabilities and Education**

Reconceptualising the dilemma of difference within the capability framework has outlined important dimensions for the definition and the evaluation of disability and

special educational needs. In this section I highlight how this reconceptualisation implies further theoretical and normative elements, which have the potential of bringing the debate in education beyond concepts of needs, whilst being at the same time fundamental for the operationalisation of capability in education. More specifically, I argue that the idea of capability provides us with a conceptual framework, which extends beyond notions of needs in a theoretically and normatively rigorous way. Here my analysis draws parallels from insights developed by Sabina Alkire in her discussion of how basic capabilities, as subsets of all capabilities, relate to and include concepts of basic human needs, while providing a wider and more valuable philosophical perspective through the emphasis on choice and participation and in relation to well-being (2002:170). Given the problematic and contentious status of the concept of needs, and, in particular, special educational needs, as the term is currently used and understood in educational debates, I maintain that this insight of the capability approach constitutes an important dimension for our discussion. This section considers, first, the concepts of capability and basic capability as articulated by Sen, and it subsequently analyses Alkire's understanding of basic capabilities in their relation to the concept of human needs. Finally, it addresses these considerations with reference to the debate in education.

Analysing how Sen's concept of capability entails a philosophically broader and more rigorous perspective than those based on notions of needs implies considering first, the concept of basic capability, and second, its relation to the concept of basic human needs. The question of determining basic capabilities relates to the possibility

that some capabilities may be so basic to human welfare that they can be identified without any prior knowledge of the particular commitments that are held and expressed by an individual or group (Alkire, 2002: 154).

Sen has addressed issues of basic capabilities in his analysis of poverty (Alkire, 2002, Robeyns, 2001). According to Sen, rather than in terms of income inadequacy and relatively to the position enjoyed by others in society, poverty is best addressed in terms of 'basic capability failure', that is, as the absolute 'inability of individuals and communities to choose some valuable beings and doings that are basic to human life.' In this sense basic capabilities are a subset of all capabilities (Robeyns, 2001: 11) and refer to the possibility of satisfying 'certain crucially important functionings up to certain minimally adequate levels' (Sen, 1980: 41, Robeyns, 2001: 11). Sen has not provided a definite list of basic capabilities, nor a



justified account of how to identify them, but has mentioned several elementary capabilities as way of example, including the capability to be sheltered, nourished, educated and clothed (Sen, 1999: 20; 1993: 36).

Sabina Alkire's work on the operationalisation of capability for poverty reduction (2002) presents an interesting understanding of basic capabilities and of how this concept relates to the idea of basic needs, while also highlighting why the former is more valuable than the latter. In this sense Alkire's account provides us with an important perspective on the wider theoretical reach of the capability approach over theories based on needs. Let us explore why.

In her operationalisation of capability, Alkire rightly points out how Sen's definition of poverty as absolute capability deprivation, independent of a relative account or knowledge of the circumstantial picture, necessarily implies addressing the criteria for selecting and identifying those basic capabilities whose absence constitutes poverty (2002: 157). To that end, and following procedures less controversial or less theoretically incomplete than referring to areas of consensus or material dependence, Alkire draws from the literature on human needs and specifically from the work of David Wiggins and develops

a conception of basic human needs that closely relates to Sen's work. It defines basic need with reference to absolute harm rather than to wants, 'needs', desires or preferences (2002: 157).

Alkire understands basic needs in terms of those enabling conditions or prerequisites to the full life that, in her view, inform both Rawls' idea of primary goods and Sen's concept of capability (Alkire, 2002: 158). In her account basic needs are described, firstly, with reference to the substantive functioning that is harmed if the basic need is unmet. For example, not meeting the functionings of being well nourished or being clothed fundamentally harms the individual. Secondly, basic needs are expressed at a sufficient level of generality, in that they refer to 'what is needed at a general level', for instance, and following Sen's own indication, shelter, nutrition, education and clothes (Alkire, 2002: 160). Alkire's two criteria for identifying basic capabilities relate to what is fundamental in order to avoid harm, and to a sufficient level of generality, which allows basic capabilities 'to be true for all those whom they refer' (Alkire, 2002: 160). While fulfilling the demand of ascertaining capability in 'absolute' terms, i.e. without any prior knowledge of the relative picture, Alkire maintains that this set of criteria nevertheless has to be specified when applied to certain situations and in certain societies rather than

others, thus meeting Sen's important emphasis on the element of culture-dependency of basic capabilities (Alkire, 2002: 161).

Based on these criteria, Alkire sets forward the following conceptualisation of basic capability, which includes a specific concept of basic needs but inscribes it in the framework of capability. Hence,

If y has a basic need for x (defined generally) and f is a basic functioning which entirely and only reflects the relationship between y and x, then x is a basic functioning. Likewise, if c is the capability to f then c would be a basic need capability. It is this sort of capabilities which will represent basic needs (Alkire, 2002: 160).

And furthermore

A basic capability is a capability to enjoy a functioning that is defined at a general level and refers to a basic need, in other words a capability to meet a basic need (a capability to avoid malnourishment; a capability to be educated, and so on). The set of basic capabilities might be thought of as capabilities to meet basic human needs (2002:163).

Notice here that Alkire's reconceptualisation of basic capability retains the strong sense of needs as one's fundamental requirements while, at the same time, grounding it on the important concept of potential for intentional choice implied in the idea of capability (Alkire, 2002: 163). In this sense, Alkire's conceptualisation allows for people's deliberate choice to refrain from meeting certain basic needs in order to enjoy other goods, providing they still retain the relevant capabilities of meeting basic needs. As she illustrates,

For example a hunger striker or a Brahmin may regularly refrain from eating, because they personally value the religious discipline or the exercise of justice-seeking agency, but the side effects of pursuing these is that they will not be well nourished. ... while the Brahmin's 'functioning' of being well-fed would indeed be blighted by fasting, her life might be regal and radiant (2002: 171).

Thus, what Alkire brings to the fore is the fundamental element of choice, constitutive of and explicit in the concept of capability, and its relation to the pursuit of people's valuable ends and objectives, hence of their well-being. Both are fundamental dimensions that the capability approach explicitly provides with respect to accounts based on basic human needs.

Alkire maintains, furthermore, that another crucially important element highlighted by the capability approach is to make explicit the fundamental dimension of participation. She illustrates this point by providing the example of two countries, A and B, whose goal is identified in terms of meeting basic needs such as nourishment, sheltering, education and health. If country A had higher increase in

meeting these basic needs than country B, we would say that A is better than B. And we would have to reach this conclusion even when A had achieved its increase by means of coercion. To evaluate this situation differently, we should reframe the initial aims to include among the basic needs also elements of choice, participation and freedom, all elements fundamentally implied by the concept of capability (Alkire, 2002: 170). The important insight of the capability approach, when compared to needs based theory, consists exactly in this explicit and crucial focus on choice and participation related to the element of freedom, which is constitutive of the concept of capability.

These considerations allow Alkire to conclude that the capability approach, when compared to human needs perspectives, and in operational terms, 'is a wider, philosophically more rigorous way of conceiving poverty reduction in relation to the full life'. This is due to the explicit and consistent value it assigns to choice and participation and their relation to freedom in the pursuit of well-being (Alkire, 2002: 170). I maintain that Alkire's account has important and substantial implications for conceptualising differences in education within the capability framework. However, before analysing this aspect, some further, albeit brief reference to the relation between theories based on needs and the capability approach are due.

Sen has outlined a number of critiques of theories based on human needs and claims that the concept of basic needs is subsumed in the capability approach (Sen, 1984; Alkire, 2002: 166-170). The relation between the two approaches is a matter of debate and Alkire herself, among others, has offered a counterargument to some of Sen's critiques with reference to the literature on human needs. Nevertheless, two of Sen's critiques of basic needs perspectives are particularly significant for the issue at stake. The first relates to the supposed passive element inscribed in the concept of needs when compared to capability, while the second concerns the lack of philosophical foundations in needs theories (Sen, 1984: 514). Sen's argument on the passivity encouraged by the language of needs has similarities with the critique proposed, for instance, by disabled people's movements with reference to concepts of special needs. Sen maintains,

Needs is a more passive concept than 'capability' and it is arguable that the perspective of positive freedom links naturally with capabilities (what can the person do?) rather than with the fulfilment of their needs (what can be done for the person?) (1984:514).

However, as Alkire notices, this critique is valid insofar as the language of needs does actually assign passivity and helplessness to the needy, a condition which

she does not ascribe to theories of basic human needs. Moreover, even if valid at semantic level, the passivity inscribed in needs has to be analysed, since 'to say that one has a need is not to say that one lacks the capacity to go out and fulfil it'<sup>49</sup>. Yet in this sense, the concepts of capability and indeed of basic capabilities as outlined by Alkire, seem to better capture this element of opportunity of fulfilment both theoretically and operationally.

The second critique concerns the absence of philosophical foundation and accounts of well-being and the 'good life' from theories of needs. Alkire maintains that this appears to be substantive at least with reference to development economics (2002: 170), where theorisation followed more practical responses to contingent conditions. This critique appears to be sustained also in relation to conceptualisations of needs in education, where a broad theoretical framework, while aiming at answering some pressing concerns, has nevertheless introduced concepts that require qualifications and specifications. Conversely, Sen's approach provides a complex framework where concepts of functionings and capability are theoretically and normatively linked to the aim of well-being. Ultimately, the capability approach relates to philosophical foundations in ways, which frame conceptual aspects of basic requirements and needs in a theoretically rigorous and morally justified account. These elements make the capability approach a fruitful and flexible paradigm. In what follows I shall address the theoretical and normative implications of these elements for the limits of the concept of special educational needs.

Recall here the main limits of the concept both at theoretical and policy level<sup>50</sup>. Still inscribed in a 'within-child model', at theoretical level the concept of special needs does not succeed in abolishing categories of disability, but ends up establishing a new category, that of special needs. Furthermore, the theoretically unspecified status of the concept entails a further problem in that it leaves the qualifier 'special' somehow unqualified both with respect to disability and to non-disability, thus, although indirectly, resulting in a proliferation of kinds of needs, from special to individual, from common to exceptional, which indeed does little to help clarifying issues. This is reflected at a policy level, where difficulties in operationalising the concept have led to the reintroduction of categories, for example sensory impairments or autism. As we have discussed, the concept of special educational

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49 I owe this insight to H. Brighouse (Brighouse, 2004, personal communication) and T. McLaughlin.

50 See chapter 2, p. 17 and pp. 23-24.

needs presents operationalisation problems that may indicate the necessity to reconsider the elements of the debate through a different framework.

I maintain that the capability approach better responds to theoretical and operational requirements. Central to my argument at this stage is that this approach, in addition to the fundamental insights for definitions and evaluation of disability and special needs already addressed, provides theoretical and normative concepts, which extends beyond the notion of educational needs, and particularly of special educational needs, in three interrelated ways. Firstly, by incorporating some conceptual elements of needs within the wider theoretical breadth of basic capabilities. Secondly, by defining disabilities and learning difficulties in terms of functionings and capabilities restrictions, thus avoiding the unwanted effects of needs proliferations. Thirdly and finally, by providing a framework for the conceptualisation and operationalisation of education as a basic capability, essential to the expansion of future capabilities, and upon which to outline elements of a basic capability entitlement in education. Let us analyse the first two insights of the capability approach, whilst leaving the discussion of the third, fundamental aspect of operationalising education as basic capability to the next chapter.

Addressing these issues implies applying some of Alkire's insights to education. In relation to the first point, considerations of the capability approach as wider and theoretically more rigorous than perspectives based on needs, seem sustained also when transposed into education. In particular, evaluating basic requirements in education in terms of functionings and capabilities highlights both the force of the requirements and the importance of actually meeting them, in light of the prospective dimensions of choice inherent to the concept of capability. More specifically, the 'capability to be educated', as basic capability, theoretically subsumes the 'need to be educated', whilst outlining the prospective choice aimed at well-being achievement and well-being freedom. Furthermore, needs are not distinguished, for instance in common and special as certain perspectives in education would suggest, since the idea of needs is subsumed in a conceptual framework based on basic functionings and capability.

Secondly, reframing educational needs in terms of functioning and capability restrictions has important conceptual implications. I have already outlined how this approach highlights the relational aspects of disability and learning difficulties, both with respect to the child and the school system, thus avoiding unilateral

understandings or oppositions between individual and social elements. In addition to that, it allows overcoming the conceptual proliferation of needs, in that functionings and capabilities are the terms of reference of the framework. Whilst this aspect may open up to other problems in terms of definition and evaluation, the surpassing of conceptual proliferation of needs appears an important theoretical step. One final implication is the avoidance of the idea of 'special' as negative label, and as such criticised by disabled academics and disabled people's movements. Evaluating differences in terms of functionings and capabilities means ultimately referring precisely to these concepts and to the metric they entail, both for considering disability and non-disability, thus providing a 'unified' framework within which to define and evaluate differences.

These considerations lead to the third and particularly important implication for education as basic capability that enhances other capabilities. Addressing this final point entails operationalising the capability approach in education, a task that I shall outline, albeit in a preliminary way, in the next chapter, where I present a possible conceptualisation of educational equality within the capability approach.

## **Concluding Comments**

In this chapter I have applied the capability perspective on impairment and disability to the context of education. More specifically, I have re-conceptualised learning difficulties and special educational needs in terms of functionings and capabilities and shown that the capability approach allows for evaluating them as vertical inequalities, related to the design of educational arrangements and demanding to be addressed as a matter of justice.

Furthermore, I have discussed two main objections to the perspective outlined and defended the theoretical and normative reach of the capability framework on disability and special educational needs. Against the critiques of stigmatisation and the inadequate evaluation of impairments and disability in relation to functional capabilities, I have shown that the approach, in recognising the importance of human flourishing and well-being, and in allowing in considerations on valuable sets of different capabilities related to human heterogeneity, provides a justified account of justice for disabled people, together with the positive recognition of differences.

Finally, I have outlined how the approach could be significantly extended to overcome, whilst still embracing, concepts of human needs, and, therefore, special educational needs. These considerations reinstate the validity of the approach and its operationalisation in education. The next chapter takes these insights further and addresses the contentious and difficult question of what constitutes educational equality for disabled children and children with special educational needs.

## Chapter 7

### **Equality, Capability and Social Justice in Education: Towards a Principled Framework for a Just Distribution of Educational Resources**

The last two chapters explored the conceptualisation of impairment, disability and special educational needs in terms of functionings and capabilities. They highlighted how, in capability terms, disability is seen as emerging from the interlocking of personal features with social, circumstantial and environmental factors. Further, on this view, disability and learning difficulties constitute vertical inequalities, and thus have to be addressed as a matter of justice. In short, the previous two chapters presented the theoretical aspect of the framework I suggest, related to the conceptualisation of disability and learning difficulties. This chapter explores the more normative dimension of the framework, and addresses the difficult question of what constitutes educational equality for disabled children and children with special educational needs. More specifically, it outlines elements of a just distribution of educational opportunities and suggests a possible understanding of an educational entitlement for these children. The chapter starts by addressing what constitutes equality, and educational equality, and by analysing different normative perspectives on it. It shows how the capability approach provides a successful framework that enables us to reconsider the broader demands of equality, and the specific demands of equality in education for disabled children and children with special educational needs.

#### **Introduction**

What constitutes educational equality? This question subsumes two main normative issues, which relate respectively to two areas of debate: liberal egalitarian theories of equality and educational perspectives. The first normative issue concerns how we conceptualise equality. Liberal egalitarian theories defend the value of equality whilst presenting different views on the kind of equality that should inform the design of social institutions. Hence the first dimension of our initial question requires



addressing the reasons for equality and clarifying, among different conceptions, what kind of equality we think valuable. Interrelated to this is the second facet of the question: conceptualising equality in education. Whilst inequalities in education are much researched and theorized, the concept of educational equality is not only less conceptualised, but also difficult to determine. Education presents some specific features that prove challenging to ideals of equality. For instance, the influence of socio-economic backgrounds on learning, or students' different levels of ability, are some of the elements, which make theorising equality in education a complex and difficult matter. A possible way of thinking about aspects of educational equality implies considering a certain concept of equality and operationalising it in education.

Among different perspectives in the debate on equality, the capability approach presents an important and interesting framework not only for the re-examination of equality, but also for the reconsideration of some of the demands of equality in education. According to the capability approach, equality and the just design of social and institutional arrangements should be evaluated in the space of capabilities, that is in the space of the real and actual freedoms people have to be and to do what they value being and doing. Valuable beings and doings, or functionings, are constitutive of people's well-being, and capabilities represent the real opportunities that people have to achieve them. For instance, reading, walking or acting in one's political capacity are all functionings for which people should have the relevant capabilities, which are the real and effective opportunities to achieve them.

In Sen's approach, among the countless capabilities that people may have reasons to value, some are considered fundamentally essential to well-being. Being well nourished, sheltered, clothed, as well as being in good health and educated are all basic capabilities, and hence essential to people's well-being. Sen maintains that equality has to be sought primarily in the space of these capabilities, which are, therefore, a fundamental concern of justice. Included among these fundamental capabilities, the capability to be educated is considered essential to people's flourishing and, as such, is a fundamental matter of equality and justice, too.

In this chapter I address what constitutes educational equality with reference to the capability approach<sup>51</sup>. I argue that the capability approach helps in conceptualising educational equality by focussing on the fundamental educational capabilities that

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51 For this and following arguments I have greatly benefited from extensive and enlightening discussions with Harry Brighouse as well as from his incisive suggestions.

are essential prerequisites for functioning as an independent person in society<sup>52</sup>. My argument has three interrelated parts. First, I maintain that, in so far as we can, we should educate people in order to develop those educational capabilities that, once secured, will ensure that individuals are not at a disadvantage in society. Second, I argue that seeking equality in the space of fundamental educational capabilities helps substantially in considering the demands of educational equality for disabled children and children with special educational needs. More specifically, it helps in answering what constitutes a just educational entitlement for these children. Finally, I maintain that, beyond the level of educational capabilities identified as a just entitlement, considerations of efficiency, or an efficient distribution of opportunities and resources, may be applied to the necessary promotion of higher or more complex educational capabilities. These considerations, drawn on principles of justice, help in outlining a framework for a just distribution of educational opportunities with specific reference to disabled children and children with special educational needs. Whilst what I am presenting in this chapter *does not* offer a full theory of educational equality, I maintain that it provides some partial, but useful answers to some of the more challenging aspects of conceptualising educational equality.

The chapter is organised in three sections. The first presents an overview of some important arguments for caring about equality and, whilst discussing different answers to the 'equality of what' question, it defends the space of capabilities as the appropriate one within which to seek equality. In the second section I discuss my central claim about seeking equality in the space of the fundamental educational capabilities. I furthermore analyse the demands of disability and special educational needs with reference to this conception of educational equality and outline elements of an educational capability entitlement for disabled children and children with special educational needs. This implies addressing the implications of proposing a threshold level of fundamental educational capabilities. Finally, the last section provides elements of a principled framework for a just distribution of resources to disabled students and students with special educational needs, and discusses some of its main implications.

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<sup>52</sup> This formulation draws partially on Elizabeth Anderson's concept of democratic equality. See Anderson, 1999.

## 7.1 The Debate on Equality and the Capability Approach

The fundamental reasons that support equality as a valuable ideal are related to the form of equality that should be achieved through the design of social and institutional arrangements. In this section I engage with the reasons for valuing equality in itself and with some of the possible perspectives on what form of equality we should value. My analysis illustrates why equality within the space of capabilities is the best interpretation of the ideal of equality.

Theories of social justice are concerned with how the design of social and institutional arrangements determines the distribution of benefits and burdens among individuals (Swift, 2001:19). Egalitarians maintain that equality is the correct distributional principle and argue that social and institutional arrangements should be designed to give equal consideration to all<sup>53</sup>. Subsumed in this position are two interrelated questions. The first concerns why we should treat people as equals, and hence relates to the reasons for valuing equality in itself. I shall refer to this as the 'why equality' question. The second concerns how we should treat people as equals, namely what form of equality would best enact the equal consideration due to individuals. Let us refer to this second as the 'equality of what' question. These two questions are interdependent, since knowing the reasons for caring about equality may help understand what form of equality we should care about. Let us analyse each of these issues in more detail, and start by looking at the question 'why equality'.

Why, then, should we care about equality? According to egalitarians, for two interdependent reasons, which relate respectively to the intrinsic and instrumental value of equality. There is primarily only one truly intrinsic reason for equality: equality is good in itself, is the correct principle to respond to conflicting demands, and as such is a fundamental element of justice<sup>54</sup>. This intrinsic reason is complemented by several instrumental reasons supporting equality as distributional ideal. First, there is a theoretical reason: equality is instrumentally valuable because it provides plausibility to theories of justice. In order to be theoretically plausible, these theories have to justify any distribution of benefits and burdens showing that it meets a stipulated ideal of equality. Lacking that, would result in the theory being

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<sup>53</sup> See for instance Nagel, 1979: 107, Dworkin, 2000: 1-2, 11-12 and Sen, 1992:17.

<sup>54</sup> The intrinsic value of equality is a complex aspect of the debate, and has been addressed by several authors. Whilst some maintain that equality is good in itself and there are no more arguments to provide, others find this answer unsatisfactory. For a more detailed discussion see, among others, Nagel, 1979 and Sen, 1992.

arbitrarily discriminating and, therefore, difficult to defend (Sen, 1992: 18-19). Second, equality is instrumentally valuable because it is a necessary precondition of political legitimacy. In order to be legitimate in their exercise of power, governments have to provide evidence that their decisions, regulations and actions show and enact the equal concern due to individuals. For instance, any scheme of taxation, to be legitimate, has to be designed in accordance with equality and justice, and governments have to provide reasons for the aggravations in some people's circumstances or the added constraint any tax scheme may cause (Dworkin, 2000:1). Linked to this, a further instrumental reason for equality is that it defends the costs likely to be associated to any particular enforcement of regulations, tax schemes or law. When such costs are justified on ground of equal concern, they are made acceptable to those who may otherwise find them unjust. For instance, the regulation to wear seat belts has the added cost of installing such a device. Its implementation, however, enacts equal concern for citizens, albeit of a paternalistic kind, hence it may be shown to be a just cost. These intrinsic and instrumental reasons provide important answers to the question 'why equality?' and confirm the egalitarian position that seeking equality as a political and distributional ideal is a fundamental matter. However, the importance of equality is also interconnected to the specific kind of equality valued, hence it relates to the second crucial question: what kind of equality could best enact the equal concern due to individuals?

If egalitarians agree to a considerable extent on the value of equality, they disagree rather substantially on this second fundamental issue: the 'equality of what' question. There are different important views on the kind of equality that would best enact the equal consideration due to individuals, and each view focuses on the equalization of rather different variables. These variables constitute, at the same time, the metric against which to evaluate people's relative advantages and disadvantages. In what follows I discuss three main positions in the debate on equality: equality of resources, equality of welfare and equality of capabilities<sup>55</sup>. I try to illustrate in what form and to what extent these positions give equal consideration to citizens. Generally, theories supporting equality of resources maintain that equal consideration to individuals obtains when any distribution leaves people equal in the amount of resources they hold. Conversely, those advocating for equality of welfare support the view that any distribution should aim at leaving people equal in their

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<sup>55</sup> See Dworkin, 2000: Ch. 1 & 2. This general distinction, although not exhaustive of all possible positions, is the main framework often used in egalitarian debates.

welfare, seen for instance as happiness or preference satisfaction. Whilst these are only the main abstract ideas underpinning these theories of equality, their more precise specification entails different understandings of resources, as well as of the nature of welfare. Positions inscribed in either resourcist or welfare theories appeal to what is known as equality of opportunity, where equality is specified in terms of the equal chances people have to get, for instance, either resources or welfare. The argument for equality of opportunity of some sort is that opportunities hold individuals morally responsible for their voluntary choices and the possible consequences of these choices<sup>56</sup>. Finally, the third theory, equality in capabilities requires equality in the actual effective opportunities people have to choose the life they value. I now proceed to analyse these perspectives. First, the 'resourcist approach'.

### **7.1.1 The 'Resourcist Approach': Equality of Primary Goods**

An important position related to resourcist views is the conception of equality as equal shares of primary goods. In this view, primary goods are social conditions, features of institutions and resources that free and equal citizens need in order to live a complete life (Rawls: 2001:58, 1982:166). These conditions and resources include:

- i) 'Basic rights and liberties', like freedom of thought, liberty of conscience and expression, freedom of association, etc.
- ii) 'Freedom of movement and choice of occupations against a background of fair equality of opportunity'.
- iii) 'Power and prerogatives of offices and positions of responsibility'.
- iv) 'Income and wealth'.
- v) 'The social bases of self-respect'.

The index is inscribed in a theory of justice that ensures that citizens are equal in their basic liberties, including political liberties, and in fair opportunities. Inequalities are permissible only if they are to the advantage of the least well off people in society, who are identified as those with the lowest holding of primary goods. Furthermore, no compromise is acceptable with fair equality of opportunity in order to achieve higher material wealth or income (Rawls: 2001). Moreover, this index of primary goods constitutes a way not only of evaluating whether people have these

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<sup>56</sup> See, for instance, Arneson, 1989.

lifelong necessary means to lead a complete life, but also of assessing inequalities among individuals (Daniels, 2003: 242). According to this view, it is precisely against this same index of primary goods that individuals' relative positions are compared. At the same time, equal shares of these goods, following the principles outlined, constitute the kind of equality that we should seek to achieve.

How valuable is this conception in actually determining individuals' relative positions? Primary goods are features of institutions and kinds of resources people need to live fulfilling lives, hence they measure people's advantage primarily in relation to these resources, like income and wealth or the social bases of self-respect. However, by measuring people's advantage with reference to resources, the primary goods approach neglects the fundamental aspect of human diversity and its implications in terms of advantages. Let us consider, for instance, a specific difference, say disability, by comparing the position of two people: Bob, a visually disabled person, and Sally, an able-bodied woman. According to the primary goods approach, if their holding of primary goods is equal, Bob and Sally are equally well off, hence they have equal all-purpose means to live complete lives. However, it seems plausible to argue that, notwithstanding equality in primary goods, Bob is at a disadvantage with respect to Sally. This is due to some of his individual characteristics and to the ways they interact with the social and physical environment he inhabits. His index of primary goods may be the same as Sally's, yet he does not have the same advantages in order to live a complete life. For instance, his opportunity for independent mobility, say using a car, is presumably not the same as Sally's. In addition, there are certain activities and indeed professions that, not only because of current designs of environmental and social institutions, but also because of his individual characteristics, may prove unattainable to Bob, whilst being available to Sally. Consider the aspect of communication related to non-verbal behaviour and its weight in social interactions. Let us further assume that Bob and Sally are both university lecturers. In this instance, Bob cannot detect non-verbal cues in communicating with his students; hence an important dimension of social interaction is unavailable to him. Sally does not experience this restriction and enjoys a non-verbal feedback, which may be important to her effectiveness as lecturer. Even with an equal share of primary goods, Bob does not have the same advantage that Sally has, since due to his visual impairment his social functioning is restricted in some fundamental ways. The index of primary goods is insensitive to this fundamental difference in people's

relative advantages. What this example ultimately aims to highlight is that the primary goods accent on resources, in being insensitive to people's diversity, presents limits in comparing their relative positions, hence it does not account for certain variables that are relevant to justice. This appears to question, at least to a certain extent, an equal share of primary goods as the correct and exhaustive answer to our initial question: 'equality of what?'

Further, how does this approach consider educational equality and its specific question of equality for disabled children and children with special educational needs? As we have seen, individuals' positions are compared on the basis of their holdings of primary goods. Fair equality of opportunity, defined as the possibility of equal chances for those with equal talent and willingness to exert efforts, is fundamental for accessing occupations, power and prerogative of offices, and income and wealth. Inequalities are permissible only if they are to the benefit of the least well off members of society. It follows that, on this view, fair equality of opportunity underpins the concept of educational equality, and requires that educational opportunities be provided equally and independently of family circumstances (Rawls, 2001: 44; Brighouse, 2000: 147). Moreover, in establishing that inequalities are allowed if they are to the benefits of the disadvantaged, it requires that more resources be devoted to those with the initial lowest share of primary goods, either due to their lower natural talent or their initial place in the social arrangements.

Although providing an extremely valuable framework for the conceptualisation of educational equality in terms of equal opportunity for educational resources, this approach presents the same limits noted in its evaluation of people's relative advantage. More specifically, its insensitivity to individual characteristics leads to the difficulty of providing a guiding criterion for a fair distribution of resources to disabled children and children with special educational needs. Here the example of Bob and Sally can be reframed in terms of educational resources. Again, Bob is at a disadvantage because of a fundamental restriction in functioning, but his index of primary goods does not account for this situation, since it focuses fundamentally on resources. Ultimately, the limits outlined in the way the primary goods approach is insensitive to personal heterogeneities hinder its conceptualisation of educational equality, and specifically in relation to its ability in providing guidance for equality for disabled children and children with special educational needs.

Let us now turn to another understanding of resources and consider its answer to the same question: what kind of equality are we seeking?

### **7.1.2 Equality of Resources**

Resources can be conceptualised in several ways, which in turn determine different meanings of equality of resources. A first straightforward way is to conceptualise them in the broad sense of equal goods to be distributed. Equality of resources is therefore the distribution of equal identical bundles of goods to people. However, this interpretation runs into an immediate difficulty, which relates again to people's heterogeneity. Hence, if we consider our previous example, and we provide Bob and Sally with an identical share of resources, we can immediately see that Bob is at a disadvantage, since presumably he needs to spend a consistent part of his bundle of goods on certain forms of resources, for example speech output screen readers for his laptop. Similarly, the same educational resources distributed to Bob and Sally would still put Bob at a disadvantage, since presumably he should be given Braille resources. Therefore, this understanding of equality of resources does not provide Bob and Sally with the same consideration, and does not appear to be a valuable kind of equality, or an appropriate framework for theorising educational equality.

A more complex understanding considers resources as personal and impersonal ones. It specifies personal resources to include people's health, strength and talents, and impersonal ones in terms of material goods, wealth, and legal and other opportunities (Dworkin, 2000). Here the term 'resources' refers to the means that contribute to people's opportunities to lead fulfilling and worthwhile lives according to their own conceptions (Robeyns, 2001: 4). Thus equality of resources corresponds to equal, not identical shares of resources privately owned by individuals and devoted to make of people's lives what they decide to make of them (Dworkin, 2000:65-66). However, what does 'equal' mean according to this position? Due to the 'natural lottery', people find themselves with different impersonal resources, for instance inherited wealth and assets. These resources can, and therefore should, in principle, be equally redistributed. Furthermore, people differ also and fundamentally in their personal resources like talents and weaknesses, health and general strength. For instance, being able to see is a resource that is unavailable to a person whose vision is totally impaired; being



talented in literacy is another resource that different people may have at very different levels, some very low. Since personal resources cannot be distributed, and since lack or low levels of them constitutes an objective disadvantage, according to this view people with low natural endowments or disabled people should be compensated. The extent of this compensation is determined by the amount that people would be willing to pay to insure themselves against these circumstances – low talents and disability - in a hypothetical insurance market. This hypothetical insurance determines the compensation for people's unequal personal resources, and thus it constitutes an equalization device. The equalization of people's circumstances, personal and impersonal resources, is therefore assured.

In this understanding people's circumstances, however, do not include choices, preferences or ambitions: this conception of equality of resources does not consider inequalities deriving from these variables. Rather, it sees freely made choices and preferences, which imply different outcomes in terms of unequal shares of resources, as pertaining to people's responsibility, hence morally legitimate. Consider Sue and Alan, who have equal shares of resources and both enjoy a highly remunerated job. However, Sue is a keen risk taker who chooses to invest her resources in high-risk funds and ends up losing a considerable part of her assets. Alan, instead, is prudent, and chooses to invest his money only in secure state funds, hence maintains or steadily increases his stakes. According to the equality of resources view, the inequalities arising between Sue and Alan due to their free choices are not subject of justice. Consider now Kate and Tom, both with equal shares of resources. Kate has a specific taste for a sybaritic lifestyle, whereas Tom prefers a frugal and basic existence. Here again, equality of resources does not account for Kate's and Tom's preferences or tastes, since it holds those traits of people's personality not pertaining to the concern of justice. Equality of resources maintains that the holding of personal and impersonal resources, or people's circumstances, is the appropriate variable upon which to evaluate their relative position. Free choices, preferences and tastes are excluded from the variables of a resourcist metric.

How does this conceptualisation fare in terms of the equal consideration due to individuals? Let us reconsider the case of personal differences through the example of Bob and Sally. How would equality of resources evaluate their position? Remember that Bob is a visually impaired person, whereas Sally is able-bodied. Clearly, under this understanding of equality of resources, Bob lacks an important

personal resource, his sight, and therefore is at a disadvantage, since his personal resources are limited when compared to Sally's ones. *Prima facie*, equality of resources seems to include a wider range of variables in its evaluation than the primary goods approach. Bob and Sally are not considered equally well off under the metric of equality of resources as they are in terms of primary goods. However, despite this attention to personal differences, equality of resources does not avoid two consistent objections. The first relates to the partial understanding of human diversity implied by considering talents and disabilities as personal resources, detached from any relation with the social and circumstantial arrangements or from the different ways in which people make use of resources. For instance, according to the equality of resources view, Bob's visual impairment, whilst being a personal feature, becomes a disability with respect to certain functionings and in certain environments, for example those lacking speech output screen readers or Braille resources. Second, equality of resources overlooks the fundamental facts that people have different ways of converting resources into objectives they value, and that this conversion varies in relation to the different design of the social and physical environment people inhabit. Hence, providing people with an equal share of resources, even when specified as personal and impersonal ones, does not account for this crucial variation.

These limits of equality of resources extend to its possible conceptualisation of educational equality, and specifically when considering children with disabilities and special educational needs. By understanding talents and disabilities as inherently personal characteristics, the resourcist approach overlooks the important relational aspect of certain learning disabilities and special educational needs, and ends up missing a fundamental dimension of justice. Recall, for instance, the example of dyslexia discussed in chapter 6. Dyslexia is a clear learning difficulty emerging from the interlocking of personal features and literate settings, and therefore cannot be completely and unilaterally ascribed to the individual's lower level of talent. The resourcist approach does not account for this important dimension. Nor does it account, as we have seen, for individuals' different conversion of resources, thus presenting somehow a fixed view of disability, similar to the individual model. Nevertheless, the resourcist approach provides the heuristic device of the hypothetical insurance market, which may seem a valuable insight for the distribution of resources to those considered less talented. The hypothetical amount that people, on average, would be willing to pay to insure themselves in the event of

a prospective disability could constitute the additional resources devoted to the education of disabled children and children with special educational needs. At the same time, these additional resources would act as an equalizing device for disabled children and children with special needs. However, this solution falls short of its own aims, given individuals' differential conversion of resources into objectives they value and still overlooks the fundamental importance of social and environmental elements in this conversion.

Ultimately, equality of resources, like primary goods, provides a limited understanding of equal concern to all and does not lead to a satisfying understanding of educational equality, either. More specifically, a primary goods approach neglects the fundamental fact of human diversity, whereas equality of resources presents a partial account of it and does not consider individuals' different ways of converting resources into valuable objectives in their lives. Both views furthermore remain focussed on the means to leading worthwhile lives, rather than on the extent to which people are free to choose the kind of life they value. The latter, as we shall see, represents a more exhaustive account of equality. (Sen, 1992: 37) This leads us to conclude that primary goods and resources do not constitute fully appropriate variables upon which to evaluate people's relative advantage, and provide partial answers to the question 'equality of what'. Further, whilst both views suggest important elements towards a conceptualisation of equality in education, they are still unable to provide significant guidance in important situations, such as disability, for instance. I now turn to theories of welfare in order to analyse their position on this fundamental question and to determine whether their answer is a more complete one.

### **7.1.3 The Welfare Approach: Equality of Welfare**

Broadly speaking, the principle of equality of welfare holds that any distribution should aim to leave people equal in their welfare. However, what constitutes welfare? Intuitively, the concept of welfare has an immediate positive connotation related to people's success, happiness and overall satisfaction with their lives. Economists introduced this idea precisely in order to mark a distinction between what is fundamental to people's lives and what is merely instrumental, and to assign a proper value to resources. Resources, they claim, are valuable insofar as they produce welfare (Dworkin, 2000:14). Although there are different understandings of

welfare, they relate fundamentally to two main conceptions, which, in turn, allow for two main reformulations of the general principle of equality of welfare. On the one hand, welfare is seen as success in achieving one's life plans, and hence refers to one's achievements in fulfilling preferences, goals and ambitions. On the other hand, welfare relates to the achievement of personal conscious states, like pleasure, happiness or enjoyment. In this sense people's welfare constitutes their quality of conscious life, like a life pleasant and happy insofar as it avoids pain and dissatisfaction. Correlated to these main understandings of welfare, equality can be conceptualised as equality in people's success with regard to their preference satisfaction and life plans, or as equality in satisfaction with some aspects of their conscious life, like happiness and enjoyment. How valuable are these conceptions of equality of welfare in evaluating people's relative positions and in giving them equal consideration?

Let us analyse the first conception, equality of welfare intended as equality of people's preference satisfaction and success in their overall life plans. Consider here the case of people who have a very different judgement of what makes a life successful.<sup>57</sup> Suppose that Laura and Ryan have equal resources and are otherwise roughly similar in many aspects, including their achievements. However, Laura has high expectations and considers a life successful only if it achieves breakthrough scientific discoveries. Ryan, instead, considers any kind of life worthwhile, no matter the levels of achievement. If asked to assess their overall satisfaction, Laura, due to her concept of success, would rate her welfare lower than Ryan. Hence, in this respect, and following equality of welfare thus conceptualised, Laura should receive higher levels of resources to compensate for her lower welfare. However, it is not really clear why this should be the case. After all, it might be claimed that differences between Laura and Ryan's welfare are only differences in beliefs, rather than in their actual lives (Dworkin, 2000: 38). Should we then provide people with resources according to their different beliefs about their welfare? It appears evident that conceptualising equality of welfare in terms of equality in overall success and preference satisfaction with one's life runs into the problem of how to adjudicate between people's conceptions of what makes a life successful and what makes preferences satisfied. This conception of welfare, therefore, presents elements in too subjective a way in order to evaluate people's relative positions effectively.

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57 This and following arguments are based on Dworkin, 2000, Chapter 2.

Let us now consider the second conception of equality of welfare. Here equality is seen as equality in desirable states of pleasure and happiness. However, even this second understanding presents the problem of the subjective element seen in the previous conception. In this case the subjectivity relates to the different importance and meaning people attach to pleasure and enjoyment. Here the example of Laura and Ryan can be reconsidered with reference to happiness and enjoyment, but with no different conclusion. Hence, we can think of Laura as having a very demanding expectation of what happiness consists of, and Ryan being easily and happily content. Here again, should Laura receive more resources in light of her demanding conception of happiness? It seems that insisting on equality of welfare, in terms of equal levels of pleasure and happiness also represents a poor framework upon which to evaluate people's relative positions and leads therefore to a flawed conception of equality.

The subjective nature of these conceptions of welfare leads to problematic consequences. Let us then consider a further approach to welfare, which, whilst still specifying welfare as preference satisfaction, implies a precise definition of preferences and a complex interpretation of equality as equal opportunity for welfare (Arneson, 1989: 83). This approach stipulates that equality of welfare holds when people face 'effectively equivalent ranges of options' for their preference satisfaction. Preferences are defined as hypothetical, ideal and rational deliberated ones, with fully relevant information (Arneson, 1989: 86). Moreover, effectively equivalent arrays of options include equivalent awareness of these options, ability to choose reasonably among them and character's traits in order to act on the chosen option. From this conception, a model can be drawn in the form of a decision tree that gives an individual's possible complete life history and by adding up the preference satisfaction expectations for each possible life history. According to this approach, furthermore, any inequality of welfare arising from voluntary choices or personal responsibility appears to be morally legitimate (Arneson, 1989). Consider, for instance, that Laura and Ryan enjoy equal welfare in term of effectively equal arrays of options, but at a certain point Ryan behaves in a negligent way and his welfare decreases. Provided he had the relevant effective arrays of options at his disposal at the point in time when he misbehaved, any inequality derived from his personal choice is not a matter of justice.

Although considered as opportunity for preference satisfaction and with these further specifications, this conception of welfare runs into fundamentally troubling

objections: the first concerns how to consider people's expensive tastes in assessing individuals' relative positions, whereas the second relates to the evaluation of disability. Let us analyse the first. Reconsider the case of Laura and Ryan, both with equal shares of resources and roughly similar circumstances. Suppose that Laura, unlike Ryan, has very expensive tastes in living accommodation, and her welfare is badly compromised unless she can live in an elegant penthouse in a leafy area of town. Ryan, on the other hand, is satisfied with a modest accommodation in a less expensive area. Should Laura receive additional resources in order to have the same level of welfare as Ryan? What if Laura set out voluntarily to cultivate her expensive tastes? Insisting on equality of welfare in this case appears intuitively wrong. Moreover, this problem does not seem to be solved by appealing to equivalent and effective arrays of options for preference satisfaction. In order to give Laura and Ryan an effective and equivalent array of options, whilst still taking into account Laura's expensive preferences, we need to consider a possible bottomless level of resources to be distributed among people, since, at least theoretically, the possibility of expensive preferences has no boundaries. However, the last is a counterintuitive situation for conditions of justice, which arise exactly given scarcity of resources. Furthermore, if we consider welfare as related to what is fundamental in life, it appears that satisfying highly expensive preferences is questionable, and especially so in the case of scarcity of resources related to principles of justice.

Let us now analyse the second objection, and consider how disability should be evaluated with reference to this general conception of equality as equivalent arrays of options for preference satisfaction. Remember here the example of Bob, a visually impaired lecturer and Sally, an able-bodied one. What role would Bob's impairment have in this account of welfare? Suppose the university gives Bob a larger amount of money than Sally for laptops screen readers. However, Bob prefers to invest his sum in something else that, he maintains, will increase his welfare rather considerably. How should this preference be evaluated? Should additional resources be further distributed to Bob for his speech output screen readers? What principle could or should adjudicate among these preferences? Furthermore, how would additional resources fare with respect to the equivalent effective options due to individuals? This account of welfare does not seem to make clear how to evaluate disability as personal difference in the equivalent effective arrays of options for preference satisfaction.

Ultimately, these two objections show how equality of welfare, in the sense of general preference satisfaction, is still an unconvincing framework upon which to evaluate people's relative positions or to determine the equal consideration due to individuals. I maintain that even in this last, complex account, the focus on preference satisfaction in determining people's welfare is a restricted and limited understanding of the ideal of equality. Based on the subjective and questionable variable of preference satisfaction, welfare theories of equality fail to provide a consistent account of the kind of equality we should aim to achieve among individuals. The specific cases of expensive preferences and disability constitute powerful objections against this account of equality.

Furthermore, these objections seem also to hamper fundamentally a conceptualisation of educational equality based on welfare accounts. How would such accounts consider the demands of disabled children and children with special educational needs in the absence of a clear understanding on how to adjudicate between competing desires and preferences? And moreover, what role would education have in forming and shaping tastes and preferences? What role in providing equal arrays of possibility for preference satisfaction? These questions serve here only the purpose of highlighting the difficulties that welfarist theories face when confronted with the compelling moral demands of disability and learning difficulties, and hence highlight the limits of these approaches in informing a conceptualisation of equality in education.

Let me now summarise the main points of the discussion so far. This long analysis of possible answers to the 'equality of what' question has outlined how both resourcist and welfarist approaches, with their variations and internal specifications, lead to limited conceptions of equality, which do not appear to give people equal considerations in some substantial ways. I now turn my analysis to the capability approach and to its answer to the equality of what question. I maintain that conceptualising equality in the space of capabilities provides an important and significant answer to our debated issues.

#### **7.1.4 The Capability Approach: Equality in Capabilities**

Sen maintains that in addressing equality we need to deal with two kinds of diversity: the different variables upon which we can assess equality, and people's

fundamental heterogeneity<sup>58</sup>. The evaluation of equality implies comparing people's relative positions according to specified variables, for instance individuals' resources or their happiness. These variables and their internal specifications constitute and delimitate the space for comparing people's positions; hence upon which to evaluate equality. Recall here again the main tenets of the approach. The capability approach argues that equality and social arrangements should be evaluated in the space of capabilities, that is, in the space of the real freedoms people have to achieve valued functionings. It maintains that rather than the means to freedom, what is fundamental in assessing equality is the extent of people's freedom to choose among valuable functionings. For the capability approach what is fundamental in the assessment of equality is 'what people are actually able to be and to do' (Nussbaum, 2000:40), hence the sets of capabilities available to them, rather than the sets of achieved functionings they can enjoy at any given time. The focus of the capability approach is therefore on the real effective freedoms people have and on their choice among possible bundles of functionings. This allows for the pursuit of people's individual well-being and the making of their life planning through individual choices (Robeyns, 2003).

Among the countless capabilities that people may have reason to value, Sen identifies basic capabilities as a specific subset of all capabilities. Basic capabilities, in his approach, are centrally important beings and doings that are crucial to well-being (1992: 44). They include the capability to be well nourished, sheltered, to escape avoidable morbidity and premature mortality, to be educated and in good health, and to be able to participate in society without shame. Given their fundamental importance for people's well-being, Sen maintains that equality has to be sought primarily in the space of basic capabilities. These capabilities, therefore, are of particular concern for egalitarians.

The evaluation of equality, and the comparisons of individuals' relative advantages and disadvantages within the space of capability entail the use of a metric. Fundamental to the capability metric is the centrality of human diversity. The latter encompasses personal, external and circumstantial elements, including the individual differential conversion of resources into valuable functionings. I maintain that this intrinsic interest in human heterogeneity is crucial for evaluating people's

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58 Sen, 1992:1.



relative positions and leads to a valuable conception of equality as equal consideration to all.

In which ways is this account of equality a more comprehensive one than the approaches outlined so far? Let us address some of the limits identified within resourcist and welfarist positions through the insights of the capability approach. More specifically, let us analyse the evaluation of people's diversity, the value of resources and the nature of well-being. As we shall see, the capability approach provides an important and more justified account of each of these issues in relation to the demands of justice and equality than the conceptions analysed so far. First, the evaluation of people's diversity.

I have already outlined the centrality of people's diversity and its specific understanding, which is central to the capability metric. How would this metric consider, for instance, disability in terms of personal difference? As we have seen in chapter 5, the capability approach suggests a conceptualisation of disability as emerging from the interlocking of personal, social and circumstantial factors. Considering impairment as a personal feature, as the capability metric would suggest, implies that how this feature intertwines with social and environmental factors determines whether impairment becomes disability or not. In this sense, therefore, disability results from the interlocking of individual and circumstantial elements. For instance, a visual impairment becomes a disability with respect to the functioning of reading texts on computer screens when, and if, no use of Braille displays and speech output screen readers is provided. Hence, asserting the centrality of human diversity for assessing equality implies positioning the complexities of disability, as an aspect of human diversity, at the core of the normative demands of equality. This allows overcoming the limitations outlined with respect to disability as human diversity within the primary goods metric and the more general resourcist metric, too. It furthermore allows a precise evaluation of disability that overcomes the under-specified consideration entailed by welfare theories.

A further fundamental aspect of the capability approach is that it evaluates equality in terms of the extent of people's freedom to choose among kinds of lives they have reasons to value. Therefore the capability approach provides a wider and more relevant perspective within which to consider the demands of equality, than positions still focussed on the means to freedom. This, on the one hand, goes

beyond the resourcist views. On the other, it gives weight to the claim that resources have an instrumental value for the achievement of people's objectives.

Finally, in specifying the space of equality in terms of capability for functionings that people have reasons to value, the capability approach overcomes the problems related to the subjective element inscribed in conceptualising equality as equal opportunities for preference satisfaction or for happiness. Capabilities are opportunities for valued functionings that are constitutive of individual well-being, where the latter is defined as the quality, the 'well-ness', of the person's being (Sen, 1992: 39). Hence the capability approach provides an account of what is fundamental in people's life which, whilst respecting individual choices and including aspects of responsibility for one's choices, nevertheless gives a comprehensive and normatively justified account that is not focussed on a single, objectionable element. Ultimately, the capability approach represents a theoretically and normatively justified perspective on the kind of equality we should achieve.

There is, however, a potentially problematic aspect of the capability approach: the problem of indexing capabilities. There are countless capabilities that people may have reasons to value. If comparisons among individuals have to take place in the space of capabilities, how can this comparison be theoretically and operationally feasible? Consider, for instance, the case of Sally, a visually impaired person in good health, and Jenny, a non-disabled woman suffering from chronic arthritis. How can we compare their two sets of capabilities? And how can this comparison take place with regard to other individuals who have relevant capabilities but lack Sally and Jenny's ones? Capabilities are, *ex definition*, beings and doings that people have reasons to value. The element of *having reasons* in support of one's capability choice limits the problem of indexing capabilities among those capabilities deemed valuable in this sense. However, it does little to help in comparing people's positions on the basis of their sets of capabilities, since the same problem of indexing occurs within the domain of capabilities that people have reasons to value. This problem, as we shall see, has implications also in the evaluation of sets of educational capabilities. However, notwithstanding the latter problematic aspect, seeking equality in the space of capabilities represents a valuable and comprehensive answer to our initial question. As I have argued in this long section, equality of capabilities is the kind of equality that best realises the equal consideration due to people. Social and institutional arrangements, therefore, should be designed to promote people's equality of relevant capabilities.

I maintain that this conception of equality provides important elements for reconsidering some of the demands of equality in education. The next section addresses this claim in more detail, whilst briefly outlining what kind of education is appropriate given the requirements of the capability approach.

## **7.2. Equality in the Space of Educational Capabilities: Elements of a Fundamental Educational Entitlement**

According to Sen, egalitarians should seek equality in the space of capabilities. Therefore, whilst representing the best ideal of distributional equality, equality in the relevant sets of capabilities represents also the appropriate equal consideration due to citizens. But what are the relevant capabilities that should be equalized for all? Sen has not provided a list of fundamental capabilities and maintains that the latter should be the result of democratic participation and decisions making processes. However, in his evaluation of poverty, he has outlined a small number of basic capabilities, which are fundamentally essential to people's well-being. According to Sen poverty is best evaluated as absolute capability deprivation with reference to these essential capabilities. These basic beings and doings include the capability to be well-nourished and sheltered, to escape avoidable morbidity and premature mortality, to be educated and in good health, and to be able to participate in society without shame (1992:44). Although these basic capabilities are particularly relevant in the context of poverty assessment, Sen maintains that equality has to be sought primarily in these capabilities. They constitute, therefore, areas of specific concern for egalitarians.

Within the capability approach education is included among basic capabilities, hence among the essential constituents of people's well being. The capability to be educated, therefore, is of special concern for egalitarians. But what are the implications of conceptualising education within the space of capabilities and, more specifically, in terms of a basic capability? Furthermore, how can we think of equality in education within the space of capabilities? And finally, are there specific educational capabilities that society has an obligation to equalize among individuals? I maintain that the capability approach provides us with an interesting and important framework within which to reconsider some of the demands of equality in education. More specifically, I argue that the capability approach leads to

an understanding of equality in education in terms of the equal effective opportunities and access to levels of fundamental educational capabilities, which are essential to functioning as an independent person in society. Furthermore, I argue that this conceptualisation provides fundamental insights for reconsidering the equal entitlement to education for disabled children and children with special educational needs. My argument proceeds in three stages:

i) First, I analyse the implications related to the conceptualisation of education as a basic, fundamental capability. Identifying education as basic capability implies asserting its importance for people's well being, both in the sense of meeting a basic need to be educated, and for the promotion and expansion of other capabilities. Moreover, thinking of education as basic capability entails specifying the subsets of enabling conditions, capabilities for functionings, that are essentially constitutive of it. These educational capabilities constitute the transformational resources that, once obtained, allow individuals to be effective and independent participants in society.

ii) Second, I maintain that, by focussing our attention exactly on these fundamental educational capabilities, the capability approach allows us to think of educational equality in terms of the equal effective access to educational capabilities for functionings that are necessary and sufficient to participate as an independent person in society. Hence, the set of fundamental educational capabilities identified represents an educational entitlement.

iii) Third, this understanding, in turn, allows fundamental considerations related to the important question of what additional educational resources should be devoted to disabled children and children with special educational needs. More specifically, it legitimates their entitlement to additional resources as a matter of justice. It furthermore identifies a level of functioning whose achievement should be aimed at for every child, thus setting an effective threshold of functionings and capabilities.

In the next sections I proceed to substantiate these claims.

### **7.2.1 On Education as Basic Capability**

Sen identifies education among basic capabilities, and thus among centrally important beings and doings that are crucial to well-being (1992: 44 and above). How can we think of education as basic capability, and what are the normative

implications of this conception? I argue that the capability to be educated can be considered basic in two interrelated respects. First, in that absence or lack of education would essentially harm or substantially disadvantage the individual. In this first facet, education is a basic capability in that it relates to the fundamental, basic need to be educated. Failing to have this need met results in harm and disadvantage for the individual. Second, since education plays a substantial role in the expansion of other capabilities as well as future ones, it can be considered basic in the sense of being fundamental and foundational to other capabilities, too. Following this conceptualisation, I maintain that the capability to be educated entails the selection<sup>59</sup> of specific subsets of enabling conditions, which are fundamental to it. Ultimately, conceptualising education within the capability approach suggests a specific understanding of education and its role in an egalitarian society. This view, moreover, differs rather consistently from other egalitarian positions. Let us analyse this understanding in more detail.

The first facet in which education can be considered a basic capability relates to its crucial importance for people's well-being. The capability to be educated is basic, since absence or lack of education would essentially harm and disadvantage the individual. This is specifically, albeit not solely the case for childhood, where absence of education, both in terms of informal learning and schooling, constitutes a disadvantage, which proves difficult, and in some cases impossible, to compensate for in later life. Perhaps the most striking example of this need to education is represented by the case of feral children. Studies of feral children<sup>60</sup>, children who lived in the wild or in cages, and deprived of any form of learning for a substantial part of their childhood, show the profound harm caused by the absence of education. In these cases, not only language functionings and broader communicative functionings are substantially harmed, but also reasoning and learning functionings are compromised. This highlights the importance of education for the formation of human capabilities and, more generally, appears to confirm our understanding of the capability to be educated as fundamental to people's well being.

However, a further aspect of the capability to be educated relates to its more context-dependence when compared, for instance, to the capability to be well

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<sup>59</sup> Sen maintains that the selection of relevant capabilities should be left to democratic decision processes. See above, chapter 5.

<sup>60</sup> See for example Curtiss (1997) and Lieber (2001).

nourished. It seems that the capability to be educated, in order to avoid disadvantage to the individual, implies considerations related to the design of social arrangements, which are more relevant in the case of education than in that of hunger. Hence, determining the level at which a person is considered well-nourished seems more straightforward than adjudicating the level at which a person is educated. This relates to considerations on the evaluative complexity of education, which are well captured in the second understanding of education as basic capability.

Education is basic also in the sense of being a fundamental capability, and foundational to other capabilities as well as future ones. As seen in chapter 6, the broadening of capabilities entailed by education extends to the advancement of complex capabilities, since while promoting reflection, understanding, information and awareness of one's capabilities, education promotes at the same time the possibility of formulating exactly the valued beings and doings that the individual has reasons to value. On the other hand, the expansion of capabilities entailed by education extends to choices of occupations and certain levels of social and political participation. These considerations lead to an understanding of education as fundamental capability, which includes basic capabilities, in terms of those enabling beings and doings that are fundamental in meeting the basic requirement to be educated, but equally foundational to the promotion and expansion of higher, more complex capabilities.

Thinking of education as fundamental capability in the above sense, relates substantially to the understanding of education as a complex good entailing instrumental and intrinsic values, explored in chapter 6. (See Brighouse, 2000; Saito, 2003; Unterhalter and Brighouse, 2003; Swift 2003.) Education has an instrumental aspect, since it is a means to other valuable goods, like better life prospects, career opportunities and civic participation. It improves one's opportunities in life. In this sense education, and specifically schooling, promotes the achievement of important levels of knowledge and skills acquisition, which play a vital role in agency and well-being. On the other hand, education is intrinsically good, is valuable in itself, in that being educated, other things equal, enhances the possibility of appreciating and engaging in a wide range of activities, which are fulfilling for their own sake. For instance, being initiated through education into the appreciation of poetry, or aspects of the wildlife in natural environments, or different kinds of music, relates to a personal fulfilment which is not instrumental in securing

better jobs or positions, but brings about a more fulfilling life. Ultimately, the instrumental and intrinsic aspects of education relate to the enhancement of freedom, both in terms of well-being freedom and agency freedom.

Having addressed, albeit only very provisionally, the ways in which the capability to be educated can be considered a basic capability, my task is now to outline what functionings and capabilities are constitutive of education thus conceptualised. This task has two interrelated dimensions. The first consists in determining what is the subset of functionings and capabilities basically constitutive of education, whereas the second refers to the criteria for determining these constituents. It is, in short, the problem of providing a possible list of basic functionings and capabilities in education and of determining the principles underlying it. This is a contested and much debated problem, since, as mentioned in chapter 5, on the one hand, Sen has not provided a definite list of valuable capabilities, since he maintains that such a list should be the result of a democratic process involving debate and participation by those who will be affected by the choice<sup>61</sup>. In this sense, the list would be context-dependent. On the other hand, however, Sen has also recognised how basic capabilities imply an absolute level, which is not related to the specification of the context and which can be therefore identified independently of the relative picture. Robeyns argues that Sen's approach, as a general normative framework, is not in conflict with specifying a list of capabilities aimed at a determined purpose (Robeyns, 2003: 15). In this sense, my task is trying to ascertain what functionings and capabilities are constitutive of education as basic capability, and hence independent of determined contexts, whilst also aiming at operationalising capability for the purpose of education. Finally, this task highlights how the criteria for selecting relevant functionings and capabilities play a fundamental role. Let us start by analysing the criteria.

In order to address how criteria are fundamental for selecting functionings and capabilities and what criteria we should adopt in education, I shall refer again to Alkire's monograph (2002), analysed in chapter 6. Recall here Alkire's two main principles in outlining basic capabilities for poverty reduction: capabilities should be identified in terms of capabilities to meet basic needs, hence avoiding harm to the person, and they should be expressed at a general level. I maintain that these two principles by which education is selected as a basic capability are workable also at

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<sup>61</sup> See chapter 5.

the level of identifying the subset of capabilities constitutive of it. If education is basic in terms of fundamental for well-being, then its components are equally fundamental to it, since they all contribute to avoid harm or disadvantage, thus meeting the first criterion. Furthermore, they can be expressed at the requested level of generality, thus meeting the second criterion (an aspect that I shall address in more detail below).

However, applying these two criteria at the level of identification of functionings and capabilities constitutive of a capability –education – that is already expressed as basic implies explicitly addressing a potential theoretical problem. This consists in avoiding the possibility of an infinite regress<sup>62</sup> to basic and yet more basic components. Say we think of education as basic capability and then subsequently specify among its fundamental components thinking, and we then proceed to define thinking as a functioning that depends on a more basic functioning, that of wanting to think, and so on, we are caught in a conceptual infinite regress. We need to make sure that the functioning specified is basic and does not imply more basic components to it. Here the identified criteria for selection are crucial in that they have to determine specifically those functionings and capabilities, which are absolutely constitutive of education. It is in this sense that the two criteria chosen by Alkire are necessary and applicable to my task, yet perhaps not entirely sufficient to it. In my view, in order to avoid the potential danger of ‘infinite regress’, the criteria have to explicitly include the principle of exhaustion and non-reducibility, as presented by Robeyns in her account of relevant capabilities for gender inequalities. The criterion of exhaustion and non-reducibility requires the elements of the list to be comprehensive, thus including all the important ones, and not overlapping (2003: 17). True, the criterion of avoiding harm could necessarily and sufficiently select only those elements that are basically constitutive of education. Yet, given the complex dimension of education, it seems that a principle explicitly eliciting elements that are exhaustive and mutually exclusive, and hence elements that include all the important and relevant components and that are non reducible to others, can more effectively select basic capabilities in education.

To sum up, the criteria for identifying basic functionings and capabilities in education include the following:

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62 See Crocker, D. (1995) for a clarification of this theoretical problem.



- i) Functionings and capabilities should be identified in terms of meeting basic needs, hence avoiding harm and disadvantage;
- ii) They should be identified at an ideal level of generality;
- iii) They should be exhaustive and non-reducible.

These criteria for selecting relevant functionings and capabilities in education provide us with a methodological basis on which to proceed to the core of the task at hand, which consists in determining what subsets of enabling conditions – beings and doings – are fundamental to education.

Conceptualising education as basic capability, therefore, entails the selection of educational functionings and capabilities, which are fundamentally constitutive of education. More specifically, selecting basic capabilities in education means looking at what beings and doings are at the same time crucial to avoiding disadvantage for the individual, and foundational to the enhancement of other beings and doings, both in education and for other capabilities. We are looking here at certain enabling conditions that allow individuals to function effectively in society and whose absence would put the individual at a considerable disadvantage. At the same time, moreover, we are looking at enabling conditions whose exercise is particularly, albeit not solely, important in childhood, since, as Nussbaum notices, ‘exercising a functioning in childhood is frequently necessary to produce a mature adult capability.’ (Nussbaum, 2000: 90.)

Interesting insights for selecting educational functionings and capabilities can be drawn on the concept of ‘serving competencies’ developed by Charles Bailey (1984) in his analysis of the aims and content of liberal education. Bailey suggests that a considerable part of education should of necessity be based on and promoting certain functional capacities, or serving competencies, which allow the achievement of subsequent educational objectives (1984: 111). This concept presents important similarities with that of basic educational functionings and capabilities, which are fundamental in themselves and for the promotion of subsequent more complex capabilities.

What are, ultimately, these enabling conditions constitutive of education? At the ideal level, I suggest the following fundamental educational functionings and capabilities:

- Literacy: being able to read and to write, to use language and discursive reasoning functionings.
- Numeracy: being able to count, to measure, to solve mathematical problems and to use logical reasoning functionings.
- Sociality and participation: being able to establish positive relationships with others and to participate without shame<sup>63</sup>.
- Learning dispositions: being able to concentrate, to pursue interests, to accomplish tasks, to enquire.
- Physical activities: being able to exercise and being able to engage in sports activities.
- Science and technology: being able to understand natural phenomena, being knowledgeable in technology and being able to use technological tools.
- Practical reason: being able to relate means and ends and being able to critically reflect on one's and others' actions.

While presenting relevant similarities with Bailey's serving competencies, this subset of basic capabilities in education complies with the principles outlined as important to its selection, in that absence of these elements would constitute disadvantage for the individual. Moreover, none of the capabilities appears essentially reducible to others and the list is fairly exhaustive with respect to the foundational elements relevant to education. Furthermore, the list is expressed at a certain level of generality, hence allowing for more specific lists to be drawn from it in relation to the relevant context. Finally, the use of 'being able to' in expressing capabilities implies here also the opportunity and the possibility entailed by the concept of capability, rather than simply the common understanding of 'to be able to' in terms of ability. A more detailed analysis of each capability can help in better substantiating this position.

There is indeed little dispute about literacy as fundamental in education. Listening, speaking, reading and writing are all essential functionings as well as constitutive of communication functionings and entailing discursive reasoning at different levels.

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<sup>63</sup> The capability to participate without shame is a particularly interesting one. In presenting it, Sen refers to Adam Smith's example of the men who cannot appear in public without shame unless he has a linen shirt, given society's arrangements and expectations. Williams discusses this example in his comments on Sen's Tanner Lectures, 1985. See Sen et al. 1985.

Furthermore, being able to express oneself in different forms, with respect to thoughts as well as imagination, creativity and belief, is also constitutive of literacy broadly conceived. In this sense, as Bailey notices, 'here is the first great practice of human agents into which children must be initiated.' (Bailey, 1984: 111.) Numeracy, also, pertains to the core of education, and with it functionings such as counting, ordering, comparing, estimating, measuring, and all the functionings related to logical reasoning as one of the ways of making sense of the world and of one's agency in it. Sociality and participation are fundamental functionings in education in different, but related ways. Establishing positive relationships with others allows for personal and social development, which is consistently proven by educators as fundamental to learning. Much learning is promoted and sustained by social functionings such as cooperating, being part of a group, supporting or being supported by others. Related to sociality, participation is also crucial in education and more so, when considering the essential role it plays in the exercise of agency. In this sense, the capability of positively participating in educational activities, may well promote the adult mature capability so important for Sen's approach. Learning dispositions entail functionings related to the actual learning process, including possibilities of concentrating, accomplishing tasks and achieving aims, as well as enquiring and imagining. Physical activities play the important role of maintaining health and general bodily well-being, while also developing bodily awareness and mobility. Science and technology apply to all those possibilities to engage in the understanding of the natural world and its manifestation, as well as developing functionings related to the knowledge and use of technology. Finally, practical reason. Analysing what constitutes practical reason and its role as an educational capability would take this discussion too far from its main focus. However, some considerations may help in justifying its inclusion in this subset of enabling conditions. Nussbaum suggests a notion of practical reason in terms of 'the ability to form a conception of the good and to engage in critical reflection about the planning of one's life' (2000: 97). She furthermore assigns practical reason a central and crucial role among capabilities, maintaining that it is this kind of reason that makes a life truly human. Although I endorse Nussbaum's position on the importance of practical reason, hers is a substantial notion, whose promotion through education would entail complex and high levels of capabilities. It appears, therefore, that in selecting basic constituents of education, a 'thinner' understanding of practical reason may comply more with the task, whilst still retaining its crucial importance as

a capability. Hence practical reason in this context is specified as the ability to relate means and ends and to reflect on actions. This, on the one hand relates to the ability to evaluate and to form independent judgements, whilst, on the other, it establishes the prerequisites for the more mature capability to exercise practical reason in terms of forming a conception of the good and planning one's life.

Having analysed the elements of the list let me now address two sets of considerations: a comparison with Bailey's proposal, and a broader objection to some elements of the list.

There are evident overlaps between this list and Bailey's serving competencies, as well as notable differences. Among the latter, one needs to be addressed. Bailey selected logical reasoning among the competencies he deemed necessary for a certain kind of liberal education. I have instead maintained reasoning as subsumed in literacy and numeracy, thus presenting it contextualised in terms of discursive and logical reasoning. Furthermore, I have included the capability of practical reason in terms of relating means and ends and evaluating actions, thus implying a form of logical reasoning, albeit more morally oriented. This is a debatable position, since some educationists argue that learning reasoning skills has to be done *per se*, as well in association to other skills. However, at a basic level the reasoning entailed by literacy and numeracy, as well as by other capabilities like sociality and practical reason seems to respond adequately to the task of identifying educational enabling conditions.

Before addressing the implications for equality and justice entailed by this understanding, let us consider some important elements related to the kind of education implied by the capability approach. First, it appears that an autonomy-promoting education would best enact the requirements of the capability approach with respect to the individuals' possibilities of choosing among possible valuable functionings and the kind of life one has reasons to value. Second, there is a level of context-dependency that seems to be required both in relation to the instrumental value of education as highlighted by the approach, and in relation to the importance accorded to people's exercise of freedom within their relevant social and institutional context. Finally, the conceptualisation of education as basic capability and the focus of the capability approach on well-being freedom and agency freedom, confirm the foundational role of education for individuals' effective functioning and participation in society.

First, on autonomy-promoting education. The capability approach is concerned with people's freedom, both in terms of well-being freedom and agency freedom. Central to the approach is the extent to which people are free to choose among functionings they value. It appears that the kind of education that would best enable individuals to make relevant choices and to know and deliberate about their options, as well as to give them the foundations for the social bases of self respect, relates to what is known as autonomy-promoting education<sup>64</sup>. While expanding capabilities, education plays a very important role in promoting also the future freedom individuals and, specifically, children will have to choose their valued beings and doings. Broadly speaking, therefore, the elements constitutive of an autonomy-promoting education, like critical reflection and the capacity to make informed choices, appear to be relevant also for education as a basic capability. This relates substantially to the inclusion of the basic capability of practical reason in terms of critical reflection among the essential educational capabilities.

Second, there is an element of context-dependency related to the fundamental educational capabilities selected. Although these capabilities are expressed at a general level, the exact content of each of them is interrelated both to the geographical and cultural areas where the capabilities are applied, as well as to the instrumentally valuable education provided. For instance, complex post-industrial societies require a high general level of knowledge and specific abilities related to information and communication technology which may be unnecessary in less complex societies. Moreover, the fundamental capability of sociality and participation is particularly context-dependent, in that different cultures imply rather different ways of social interactions and participation. Therefore, whilst the educational capabilities outlined represent essential elements for the individual's effective functioning in society at a general and ideal level, their exact specifications and the achieved functionings implied show important dimensions of specific context-dependency.

Finally, conceptualising education within the capability approach differs consistently from other views. What is important in capability terms is not simply the amount of resources spent on education or a consideration of education as a resource in itself,

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<sup>64</sup> I am considering here only some insights derived from the vast debate and literature on autonomy-promoting and autonomy-facilitating education, constitutive of liberal education. I am therefore not addressing any implication related either to this distinction or to the arguments supporting autonomy in education. See, among others, Brighouse, 2000; Callan, 1997; Gutmann, 1987; Levinson, 1999 and Saito, 2003.

as a resourcist approach may propose, for instance. It is not even the simple production of educational 'outputs' in terms of qualifications and years of schooling, as evaluated by economics approaches to education. Rather, the capability approach requires focussing on the contribution that the basic capability to be educated makes to the formation and the expansion of human capabilities, hence on the contribution that it makes to people's opportunity to function effectively and to participate as equals in society<sup>65</sup>. Ultimately, the fundamental educational functionings and capabilities identified, in promoting human agency, knowledge and skills, as well as the ability to deliberate about means and ends and basic conditions of autonomy, contribute substantially to peoples' effective functioning as independent and equal participants in their dominant social and institutional framework.

To sum up at this point. Conceptualising education as basic capability highlights its importance for people's well being. It furthermore helps in outlining those basic educational functionings and capabilities, which are essential prerequisites in enabling people to function effectively in the dominant social and institutional framework. The next section addresses the reasons for seeking equality in the space of these basic functionings and capabilities and the meaning of equality in this space.

### **7.2.2 Elements of a Fundamental Educational Entitlement: Equal Opportunities for Basic Educational Capabilities**

The capability approach allows the identification of educational capabilities that are fundamental in providing individuals with the transformational resources necessary to function and to participate effectively in society. In this sense education and its equal provision is one of the concerns of egalitarians. In this section of the chapter I analyse the demands of equality in relation to the fundamental educational capabilities. I maintain that the capability approach provides important reasons for seeking equality in the space of basic educational capabilities and that it furthermore suggests a possible understanding of educational equality in terms of equal opportunities for these educational capabilities. This, I maintain, constitutes a fundamental educational entitlement for individuals.

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<sup>65</sup> This view relates to Anderson's concept of democratic equality. Anderson develops a conception of equality as equal effective access to levels of functionings necessary to stand as equals in society. *Ethics*, 1999: 316-7.

Let us start by analysing the reasons in support of equality in the fundamental educational capabilities. There are three important interrelated reasons in support of equality in this space. The first concerns the equal consideration due to citizens. Recall here that seeking equality in the space of capabilities constitutes the more appropriate enactment of the equal consideration due to individuals (see above). Education as basic capability is a crucial element for people's well-being and plays a substantial role for the promotion of those capabilities necessary for individuals to participate effectively in society. Unequal provision in basic educational capabilities would lead to people having unequal freedom to develop their effective functionings in society. Whilst being an obvious inequality of consideration, this would at the same time undermine the legitimacy of social and institutional arrangements. Consequently, opportunities for educational capabilities should be equally provided. Interrelated to this reason is the fundamental importance of education for people's freedoms. Within the space of capabilities, the variable we are trying to equalize is the substantive freedom people have to choose the life they value, hence their substantive well-being freedom. It therefore follows that the capability to be educated, as fundamentally constitutive of well-being, has to be part of the equalization, too. There is, finally, another aspect of education, which supports equality in the space of fundamental educational capabilities. Thinking of education, and especially the education of children, implies considering the future-oriented dimensions entailed by education. Education has a prospective value for the child in the future, whilst also entailing considerations of the present, contingent value it yields for the child as a child, now. It follows that unequal provision in educational capabilities would substantially put individuals at a disadvantage in a consistent and pervasive way, both contingently and for future prospects. These important reasons support seeking equality in the space of basic educational capabilities, and point in the direction of its possible meaning. Let us analyse it.

What does equality in educational capabilities consist in? Addressing this question requires a far more extensive analysis than the one I propose in my work. Nevertheless, I maintain that the capability approach suggests an understanding of educational equality in terms of equal access to those fundamental educational capabilities that are necessary to the individual for effectively functioning and participating as an independent person in society. This understanding, whilst drawing on the conceptualisation of education as basic capability, relates substantially to the dimension of opportunity inscribed in the idea of capability. Let

me proceed to analyse this point by outlining the opportunity dimension of capability.

Capabilities represent the substantive freedoms people have to choose among valuable functionings: they are capability to function. Inscribed in people's substantive freedom are the opportunities to enact this freedom in achieving functionings. Sen maintains,

(F)reedom is concerned with processes of decision making as well as opportunities to achieve valued outcomes...we have to examine ... the extent to which people have the opportunity to achieve outcomes (1999: 291).

Applied to education, this view translates into considering the extent to which people have opportunities to achieve fundamental educational outcomes. The insight of the capability approach is that people should have the same extent, in terms of equal opportunities, to achieve fundamental educational functionings, like being able to read and to write, or to concentrate and accomplish task, or to reflect critically on one's own actions. Opportunities are here considered in a broad sense. They include: educational resources, both in terms of physical resources and human resources; settings, like school buildings and facilities; and external conditions, like policies and regulations that are necessary to promote educational achievement. Hence, the kind of freedom we are equalising encompasses the opportunity to achieve a valued functioning and the conditions for that functioning to be achieved (Unterhalter and Brighouse, 2003: 21).

The aspect of opportunity within the idea of capability emphasises furthermore that what we are equalizing is not actual achieved functionings, but the effective access to the achievement of these functionings. For instance, people should have equal effective opportunities to achieve reading, writing, and reasoning functionings. This allows considering the individuals' freedom to choose to achieve certain functionings by 'deploying means at their disposal'<sup>66</sup> and, furthermore it leaves open the possibility of choosing whether to achieve certain educational functionings or not. An example may illustrate the important distinction between equal effective access to functionings and achieved functionings. Consider, for instance, Len and Josh, who have achieved different mathematical outcomes. Len has high numerical reasoning, whereas Josh has achieved basic counting functionings. Suppose they

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<sup>66</sup> Anderson, 1999: 316.



have similar personal characteristics<sup>67</sup> and both have attended a very well equipped school, with highly motivated and qualified teachers, and wide possibilities to learn in a stimulating environment. Suppose furthermore that Josh has achieved lower outcomes since he has decided to spend his time in leisure activities rather than in learning maths. Here the capability approach does not consider the different achieved functionings as a matter of equality, since difference in achievement in this case relates to the individual's choice. Suppose instead that Len and Josh have different achieved functionings due to the fact that Len's school could provide for additional courses aimed at improving levels of achievements. The differential outcomes in this instance relates to a substantial inequality of capabilities. The capability approach captures this difference and insists on equality as equal effective opportunities for functionings. What is important in terms of equality of capabilities is the equal freedoms and access that people have to achieve educational functionings, rather than equality in achieved functionings. This position allows people the possibility of choosing whether or not to achieve certain functionings, providing the relevant opportunities are available.

There is, however, a tension in this position, which relates primarily to the possibility of choice when considering the education of children. There are levels of choice that, given their status, are unavailable to children. As we have seen, children's status requires adults to protect their interests and meet their needs, and hence children's agency freedom or the exercise of autonomous choices are fundamentally limited<sup>68</sup>. Hence, when operationalising the capability approach in relation to the education of children, the emphasis is on providing a kind of education, which, whilst considering the actual well-being of children during their childhood, can, at the same time, equip them with the fundamental capabilities that they will exercise in future. On the one hand, this endorses the importance of equal access to fundamental educational capabilities, and therefore to a kind of education that will provide children with the capabilities to function effectively in society (See above.) On the other hand, however, it raises the problem of justifying choices actually made for children and not by children. For instance, children cannot choose not to be educated and cannot choose among educational functionings and

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<sup>67</sup> Note here that the presupposition in this example is the similar personal characteristics assumed for Len and Josh. A fundamental insight of this approach to educational equality relates to the importance of personal characteristics, including abilities and disabilities, in the metric upon which individuals are compared. But more on this later on.

<sup>68</sup> See above, p.134.

capabilities. In this case, the parent and guardian, as well as the state for certain capabilities, exercise the actual choice for the child. A possible way of solving this tension is to consider that parents' choices and the enforcement of certain regulations by the state, for instance schooling requirements, are actually made in the child's best interest, hence for the child's present and future well-being, and therefore can be seen as proxy-choices. This solution, albeit partial, allows considering equality in terms of equal opportunities to educational capabilities valid and justified also in the case of children's education.

Drawing on these considerations, we can now outline a first, provisional understanding of what constitutes a fundamental educational entitlement. I maintain that the capability approach allows the conceptualisation of a fundamental educational entitlement in terms of the equal opportunities and equal effective access to levels of educational capabilities necessary to function and to participate effectively in society. Basic educational capabilities form the necessary enabling conditions that, once achieved, allow individuals to function effectively in their dominant framework. In so far as we can, ultimately, we should provide people with equal effective access to these educational capabilities and the relative achieved functionings, which constitute the transformational resources necessary to function and participate effectively in society. Whilst conceptualising equality in terms of the equal opportunities for functionings, this view highlights the importance of the prospective educational achievements in terms of levels of capabilities necessary to function effectively in society. This fundamental educational entitlement implies therefore a threshold level of capabilities that educational institutions should promote and foster. This threshold of basic capabilities is set at the level, which is necessary for individual to participate effectively in society.

This position presents evident similarities with the threshold level of Central Human Capabilities proposed by Martha Nussbaum<sup>69</sup> in her account of the Capabilities Approach. Nussbaum maintains that her list of human capabilities 'gives us the basis for determining a decent social minimum in a variety of areas' (2000:75), which constitutes at the same time the underpinnings of basic political principles informing constitutional guarantees. In her view, therefore, governments should provide a threshold level of Central Human Capabilities, and this provision should be a constitutional requirement. The threshold of educational capabilities I suggest

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69 See Nussbaum, 2000: 75, 86.

is more specific and circumscribed in scope, since it aims primarily at selecting levels of capabilities which are essential prerequisites for functioning in society, hence it aims at outlining those educational capabilities that are of central egalitarian concern and, as such, that should be equally distributed. Furthermore, the educational entitlement proposed, as we shall see, aims also at addressing issues of equal educational entitlement for disabled children and children with special educational needs. Nevertheless, despite the more restricted scope of my proposal, its underlying idea draws on Nussbaum's conception.

Thinking of an educational entitlement in terms of equal access to capabilities for functioning at a level necessary to participate effectively in society, although already demanding a goal for social and institutional arrangements, may raise objections. Two in particular, are significant. The first relates to the provision of a subset of basic fundamental capabilities rather than the full range of possible educational ones. Should individuals be equally entitled to higher educational capabilities? Or to a wider range of capabilities? This issue relates directly to the problem of indexing capabilities inherent to the approach, whilst also implying considerations about education. The capability approach faces the problem of deciding which capabilities society should aim to equalize. (Anderson, 1999: 316 and above.) At the same time, the presumptive dimension proper to education compounds this problem, since deciding in advance what capabilities and what level of achieved functionings will allow a person to flourish is a very difficult task. Nevertheless, I maintain that the fundamental educational entitlement outlined can withstand this objection for two important reasons. First, selecting basic fundamental capabilities, which are essential to functioning independently and effectively in society, means giving people those transformational resources that will allow them to choose the kind of life they have reasons to value. It therefore means expanding their freedoms. Since this is the fundamental variable upon which people's relative positions in social arrangements should be evaluated, this meets the requirements of the approach and the demands of equality. Second, since the basic educational capabilities are at the same time fundamental in expanding other and future capabilities, providing people with this subset means giving them those enabling conditions upon which to base higher educational as well as other capabilities. After all, higher educational functionings cannot be achieved without the prior achievement of these fundamental enabling conditions. However, setting this basic educational entitlement leaves open the important issue of the promotion and distribution of higher levels of capabilities

and functionings beyond the basic entitlement outlined, which is a matter that I will analyse in a further section of this chapter.

The second objection concerns how to conceptualise this educational entitlement in relation to disability and special educational needs, and hence whilst evaluating functionings and capabilities restrictions. More specifically it concerns how we can think of equality of sets of educational capabilities when certain disabilities may limit functionings and capabilities sometime in consistent ways. I maintain that the perspective outlined provides important insights about the entitlement of disabled children and children with special educational needs. The next section addresses this issue in more detail.

### **7.2.3 Elements of a Fundamental Educational Entitlement for Disabled Children and Children with Special Educational Needs**

In this section I analyse the demands of disability and special educational needs in relation to equality. I maintain that the capability approach helps in answering the question of what constitutes an educational entitlement for disabled learners and, more specifically, it provides useful insights in determining what allocation of resources meets the requirements of equality and justice for these students.

Let us recall here the conceptualisation of disability and special educational needs in terms of functionings and capabilities. As seen in chapters 5 and 6, within the capability approach disability and learning difficulties are considered as inherently relational, or, more specifically, as emerging from the interlocking of personal and circumstantial elements. Furthermore, they are conceptualised as functionings and capabilities limitations, and evaluated in terms of vertical inequalities with respect to 'normal' functioning. What are the implications of this conceptualisation of disability and special educational needs for educational equality? Recall here also that the capability approach helps in considering aspects of educational equality in terms of equal effective opportunities and access to levels of basic fundamental capabilities that are necessary for the individual to participate as equal in society. Furthermore, the capability approach allows the identification of a fundamental educational entitlement, which establishes a threshold level of basic capabilities that should be guaranteed to individuals. Disabled children and children with special educational needs are entitled to the achievement of educational capabilities established as a matter of justice for all individuals. However, disability and special educational

needs imply functionings and capabilities limitations, which may result in difficulties in the achievements of those levels of educational functionings. It follows, therefore, that disabled learners should receive educational opportunities and resources necessary to achieve effective levels of functionings in their dominant social framework. This implies the provision of additional opportunities and resources, where necessary, as a matter of justice. Ultimately, equalizing opportunities and effective access to basic educational capabilities in the case of disabled children and children with special educational needs means exactly providing those additional opportunities and resources necessary to these children for the achievement of levels of functionings as independent participants in the social structure.

Following these considerations we can now conceptualise more precisely the educational entitlement with specific reference to disabled children and children with special educational needs. A fundamental educational entitlement for these children consists in levels of opportunities and resources required to allow them to achieve those basic educational functionings that are prerequisites for effective participation in the dominant social and institutional framework. In this sense, therefore, a dyslexic child is entitled to additional opportunities and resources that will allow her to achieve reading and writing functionings appropriate to participate effectively in her social framework.

Whilst helping substantially in answering one of the most difficult problems related to educational equality, i.e. what allocation of resources is just for disabled children and children with special educational needs, this perspective presents fundamental positive insights, both normatively and for more practice-oriented issues. First, the educational entitlement is set within a normative framework where competing demands of equality for disabled and non-disabled children are evaluated comparatively. In providing the normative basis upon which to reconsider the contentious issue of resource allocation, the capability approach presents a justified answer to long debated issues. More specifically, identifying an educational entitlement allows considering the additional requirements of resources for disabled children and children with special educational needs as requirements of justice.

Second, determining an educational entitlement that indicates a threshold level of capabilities, necessary to the individual to function effectively in society, helps in avoiding a possible problem related to the resource provision for disabled people,

i.e. the problem of infinite demand. This problem arises, for instance, in relation to severe impairments, like multiple cognitive impairments, when compensatory models would imply an infinite allocation of resources in order to get the individual to an even starting point, as compared to other individuals, so that she had a real chance for equality over a lifetime<sup>70</sup>. In setting a threshold level within the basic educational capabilities and in specifying this as the level of capabilities required as prerequisites for functioning effectively in society, we avoid the problem of infinite demand in two ways. First, we set an actual limit on how much resource should be distributed, and that limit corresponds to the opportunities and resources necessary to the individual's effective functioning in society. Second, the demand of disability is considered within a framework of equality and justice, which evaluates it in relation to the demands of other individuals. Hence an infinite allocation of resources to a disabled child that would deplete the others of resources necessary to achieve levels of functionings to participate effectively in society is not possible, since it is contrary to the same principle upon which the distribution takes place in the first instance.

Third, the educational entitlement proposed provides a possible, although provisional, answer to the problem of indexing capabilities, or, more specifically, to the question of what capabilities to foster and promote in relation to the limitations of disability and special educational needs. Recall here that the capability approach faces the problem of which capabilities to promote equally among individuals, hence which capabilities are of egalitarian concern. The proposed entitlement suggests a possible answer by outlining basic educational capabilities essential to function effectively in society, and which should therefore be provided as a matter of justice. However, this answer needs further specification when related to some of the complexities of disability and special educational needs. Consider, for instance, severe and multiple cognitive disabilities. There are situations where teachers and parents of severely cognitive disabled children decide privileging the promotion of certain capabilities and the achievement of certain functionings, for instance that of establishing positive social relationship, over capabilities and achieved functionings like being knowledgeable in technology and understanding natural phenomena. In such cases, therefore, teachers and parents, under external resource constraints and considering the child's individual characteristics, apply perfectionist considerations in deciding which capabilities would help the child flourish in life.

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<sup>70</sup> See Veatch, 1986: 159 and the discussion of this problem in chapter 5.

Here the meaning of perfectionist relates to ideals of what kind of person teachers and parents would aim to educate, and therefore they apply a mode of thinking that might be described as perfectionism in technical terms. On the one hand, the educational entitlement outlined applies exactly this kind of perfectionist considerations: it selects a list of capabilities that, once fostered, will allow individuals to function effectively in society, therefore to flourish. In this sense, the capability approach is here very useful, not only because it allows us to focus on those essential freedoms, but also because it provides for considerations relating to means-ends, where ends are the expansion of the individual's freedom to choose the life she has reason to value. Perfectionist considerations, ultimately, are necessary to the project and lead to useful answers. However, on the other hand, the same considerations constitute also the limit of the approach. More specifically, the selection of basic capabilities as constitutive of the educational entitlement may present problems. Reconsider here the example of the severely cognitively disabled child. Suppose the child's flourishing rests almost entirely on her enjoyment and fruition of music, and hence on functionings like listening to music and singing, and on her swimming and exercising in water. Obviously, the child's well-being is paramount; and hence the promotion of these functionings becomes a matter of justice. However, the educational entitlement proposed does not account for these capabilities, or not consistently, thus presenting a substantial limit. But more on this later on.

Finally, a further positive insight of this perspective concerns its important practice-oriented implications, which relate primarily to the distribution of resources for the education of disabled children and children with special educational needs. The educational entitlement determines the additional opportunities and resources for these children as a matter of justice, and it furthermore specifies a threshold level for the distribution to take place. The threshold is set at the level of the individuals' effective functioning in society. I believe that this constitutes an important insight for the design of educational policies, in that it suggests a normative framework upon which to draw more precise funding formulae for special and inclusive education. The latter, moreover, is drawn on a framework that considers the competing demands of disabled and non-disabled students, and hence on a comprehensive perspective on some of the demands of equality in education.

Having discussed some of the more positive insights of this perspective, I now turn to address its substantial limits.

There are two main and consistent limits to this perspective. The first concerns the possible element of 'reductionism' implied in an educational entitlement and in the related selection of basic capabilities. Reconsider here the case of severe cognitive disabilities: in this case supporting the achievement of musical and swimming functionings enhances the well-being of the child. Why should we propose an educational entitlement based on basic capabilities necessary to an effective functioning in society, when some impairments restrict functionings in such substantial ways that the actual well-being of the individual is better promoted through fostering other, non-basic capabilities? Shouldn't we instead reconsider the full set of educational capabilities and promote it? Moreover, are we not suggesting an idealised and somehow 'normalised' view of what 'effective functioning and participating in society' may mean? This first limit is interrelated to the second one, which concerns the possible discriminatory and oppressive use of any threshold level, however carefully designed, in separating those individuals that achieve the set levels from those who do not. Disabled people's movements have long denounced these discriminatory and stigmatising perspectives and oppose the idea of threshold levels, however well intentioned it may be. Why not propose the promotion of capabilities and functioning achievements and abandon any idea of threshold levels?

I shall admit at once that I do not have a full defence of the proposed framework against these questions, and that I share many of the perplexities they raise. However, some considerations may clarify the reasons supporting an educational entitlement. First, there are considerations of justice and equality that endorse the proposed entitlement. Questions of justice and equality arise in situations of scarcity of resources and the just design of social and institutional arrangements implies an evaluation of the distribution of benefits and burdens among individuals. Society, or the design of social and institutional arrangements cannot promote equally the countless possible capabilities that people may have reasons to value. A selection criterion is needed when considering issues of equality. In the specific case of education, the criterion chosen relates to the possibility of functioning effectively and participating as equals in society, and the basic educational capabilities selected respond to this requirement. The aim and the criterion meet egalitarian ideals, and seem justified for selecting both the capabilities and the level at which they should be distributed: remember that we are providing people with the transformational resources that will allow them to choose the life they have reasons to value.



Moreover, in promoting people's functioning and participation in society, we provide them with the effective freedom for exercising citizenship, which is one of the aims of disabled people's movements and activists. Second, the entitlement is based on an idea of educational equality as equal opportunities and presents the threshold level as an indication of the proposed achieved functionings in order to set levels of distributions that, for instance, do not incur in the problem of infinite demand. In this sense, the threshold level is not meant to discriminate between people or to evaluate their competence in a range of functionings (as certain understandings of the medical model of disability, for instance). Rather, it establishes a presumptive aim for the distribution to be at the same time equal and effective. Whilst these considerations do not fully respond to the objections raised, I believe they provide useful specifications to attenuate the force of such objections.

In conclusion, I maintain that the capability approach helps in answering one of the most difficult normative questions related to educational equality: what and how much educational resources should be devoted to disabled children and children with special educational needs. It suggests an understanding of educational equality in terms of equal opportunities to fundamental educational capabilities at levels necessary to function and participate effectively in society. This leads to the requirement, as a matter of justice, of additional opportunities and resources for disabled children and children with special educational needs. Whilst this view does not constitute a theory of educational equality, it presents an exploration of its complexities and a possible useful answer to some of its hardest problems. This view, however, leaves open the fundamental aspect of providing and promoting higher levels of educational capabilities, which appears important in itself, for the intrinsic value of education, and instrumentally, in light of the complex structures of contemporary post-industrial societies. This last aspect of the framework is addressed in the final section of this chapter.

### **7.3 Towards a Principled Framework for a Just Distribution of Educational Resources to Disabled Children and Children with Special Educational Needs**

The provision of an educational entitlement represents a possible answer to compelling questions about the allocation of resources for special and inclusive

education, and constitutes the first priority of equality in education. Everyone who can, should have the opportunities and resources to be able to achieve fundamental educational functionings, which constitute the necessary prerequisites for participating effectively and as equals in society. However, this position leaves open the important dimension related to the promotion of capabilities beyond and above the actual fundamental educational capabilities. In this last section of the chapter I argue that the promotion of higher levels of capabilities or higher educational capabilities is important for justice and that the distribution of resources with reference to these higher levels, hence beyond the threshold established by the just educational entitlement, is better adjudicated by allowing in considerations of efficiency. These considerations, drawn on Rawls's theory of justice as fairness (1971 and 2001), take into account the long-term prospects of the least-advantaged, hence the improvement of the situation of the least well off members of society.

Although an effective participation and the possibility of taking part as equals in society do not require individuals to achieve high educational capabilities, the promotion of high levels of fundamental capabilities and higher educational capabilities is important both in light of the intrinsic value of education and of its instrumental value. For instance, the possibility of interpreting complex literary theories or understanding the scientific underpinnings of the Human Genome Project are not necessary to participate effectively in society. However, their pursuit may enhance the well-being of some, for instance those who love literary works or scientific endeavours, whilst also proving instrumentally valuable in giving access to better or preferred job opportunities. At the same time, these endeavours may yield positive results for people other than those undertaking them. For instance, some implications of the Human Genome Project may prove helpful in alleviating genetic conditions. It follows, therefore, that considerations about the provision for higher educational capabilities are not only important, but necessary, too. Our interest in equality requires an analysis of the provision of higher levels of basic capabilities and of higher educational capabilities as well.

As clearly stated by both Sen and Nussbaum, the capability approach does not constitute a theory of justice, but a normative framework for the assessment of inequalities. The capability approach, therefore, does not specify the principles upon which to establish a just distribution of resources and these principles have to be drawn from other theories. In particular, Rawls' s seminal work on justice as fairness outlines fundamental principles that can guide the just distribution of resources,

whilst also providing valuable insights for permissible inequalities. Let us analyse this theory in more detail.

Rawls's theory of justice stipulates two fundamental principles. According to the first, the Liberty Principle, each person has the same claim to a fully adequate scheme of equal basic liberties, which include freedom of thought and speech, as well as freedom of conscience. The Second Principle consists instead of two parts. It states, first, that social and economic inequalities are to be attached to offices and positions open to all under fair equality of opportunity. Second, that these inequalities have to be to the benefit of the least advantaged members of society (Rawls, 2001: 42-3), understood as all those with the lowest shares of income and wealth. This second part is known as the 'difference principle' and regulates what inequalities are permissible under conditions of justice. Rawls further specifies the First Principle as prior to the Second, and fair equality of opportunity as prior to the difference principle. It follows, therefore, that inequalities are permissible only against a background where the prior principles are satisfied, and hence against a background where people have equal basic liberties and are provided with fair chances of attaining rewarding positions. Whilst constituting a strictly distributive norm (Rawls, 2001:61), Rawls inscribes the difference principle within a conception of social cooperation, and specifies it essentially as a principle of reciprocity. He maintains that however great the inequalities in income and wealth may be, and however consistent the differences among people in exerting effort and earning a greater share of output, inequalities must contribute to the benefit of the least advantaged. Furthermore, this contribution must be effective, and hence it requires that to each improvement in the legitimate expectations of the more advantaged, must correspond an equal improvement in those of the least advantaged (Rawls, 2001: 64). In this sense, considerations of efficiency are central to the difference principle<sup>71</sup>. Finally, according to Rawls,

This condition brings out that even if it uses the idea of maximising the expectations of the least advantaged, the difference principle is essentially a principle of reciprocity (Rawls, 2001: 64).

In this sense, the difference principle requires that inequalities are to benefit others, as well as ourselves (Rawls, 2001: 64).

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<sup>71</sup> Rawls refers to the economic concept of Pareto efficiency, also known as Pareto Optimality and used originally for economic institutions. See *Theory of Justice*, 1971: 58-65. Under Pareto efficiency 'a configuration is efficient whenever it is impossible to change it as to make some persons (at least one) better off without at the same time making other persons (at least one) worse off.' Rawls, 1971: 58.

How can Rawls's principles of justice help in determining the norms upon which regulating the distribution of opportunities and effective access to higher levels of fundamental capabilities and higher educational capabilities? I maintain that the difference principle appears particularly relevant in the context of determining this distribution, since it limits permissible inequalities within considerations of justice and efficiency. Applied to education, these considerations lead to the distribution of resources and opportunities for higher capabilities in ways that allow for inequalities in resources to be used by those with a greater capacity in relation to the design of the educational arrangements. At the same time it requires these inequalities to serve the interests of the least well off. It appears reasonable to argue that beyond the threshold level of fundamental capabilities guaranteed to everyone, those who can obtain the highest educational capabilities should receive resources to that aim, providing the benefits they gain from their education corresponded to an equal long term prospective improvement and benefits for those least successful. In this sense, for instance, higher levels of educational capabilities achieved by some, may provide the rest of us with more advantages than we would have otherwise had, and therefore improve our long term well-being in considerable ways. Similarly, severely disabled children or children with profound and multiple impairments might benefit from the higher educational capabilities and results achieved by others, and this ultimately justifies applying considerations of efficiency to the distribution of resources for higher educational capabilities.

We can now, therefore, attempt to provide a (provisional) conceptualisation of the principled framework for a just distribution of opportunities and effective access to educational capabilities for disabled children and children with special educational needs. This framework consists of two parts. The first stipulates that equal opportunities for fundamental educational capabilities be provided at levels necessary to individuals for an effective participation in society. It sets a threshold level of capabilities and states that all should have effective equal opportunities to the achievement of those fundamental educational capabilities. From the conceptualisation of learning disabilities as functionings and capabilities limitations, it follows that necessary and legitimate additional resources have to be devoted to children with disabilities and special educational needs. The second part of the framework applies considerations of efficiency to the distribution of opportunities and resources for the effective access and achievement of higher levels of fundamental capabilities and higher educational capabilities. It states that beyond

the threshold level of fundamental capabilities resources should be devoted in ways that allow the higher achievements of some to benefit the lower achievement of others. Whilst, as mentioned throughout this final chapter, this framework *does not* provide a theory of educational equality, it nevertheless helps in answering the complex and difficult question of what might constitute educational equality for disabled children and children with special educational needs.

### **Concluding Comments**

Starting from the debate on equality and the contentious question 'equality of what?' this chapter has analysed competing approaches to the best enactment of the ideal of equal consideration for all. It has shown that equality in the space of capability represents the best enactment of this ideal. Furthermore, it has suggested how the capability approach allows for a conceptualisation of educational equality in terms of the equal effective opportunities to the achievement of those fundamental educational capabilities necessary for participating as equals in society. The chapter has subsequently outlined how this conceptualisation helps in answering one of the most difficult problems of educational equality: how much and to what levels should educational resources and opportunities be distributed to disabled learners? Towards this answer, the chapter has presented a principled framework, which stipulates that disabled children and children with special educational needs should have opportunities and resources to achieve a threshold level of fundamental educational capabilities necessary for an effective and equal participation in society. Beyond this level, considerations of efficiency are applied, with the proviso that any inequality resulting from the distribution should be to the benefit of the least advantaged members of society.

## **Chapter 8**

# **Objections to the Principled Framework for Educational Equality: A Response**

The principled framework outlined in chapter 7 presents a compelling argument in support of educational equality for disabled children and children with special educational needs. It legitimates the additional educational provision for these children in terms of justice, and stipulates the groundwork for equality of effective access to the educational capabilities fundamental to functioning and participating as equals in society. However, the case for such a framework is not fully accomplished unless the possible objections to it are addressed. In this chapter I discuss and offer counterarguments to three of these objections. The first is a form of 'elitist' critique maintaining that resources should go to those that can make the best use of them. The second is a position arguing against educational equality and supporting a minimum adequate education for all; whilst the third objection maintains that recognition, together with equal opportunities for achieving self-esteem, should inform our concern for equality and justice. I shall claim that the conceptualisation of educational equality presented, and the principled framework outlined, are valid and justified ideals that should guide the design of educational institutions and policy, whilst, at the same time, constituting a normative framework for the reconsideration of disability in learning.

### **Introduction**

There are three main objections to the conceptualisation of educational equality as equal effective opportunities and access to fundamental capabilities necessary for participating in society. All three objections question primarily the liberal egalitarian framework underpinning this conceptualisation, and concern, in particular, the ideal of educational equality as a distributive principle, understood mainly as equal opportunity. The main arguments of these critiques are nonetheless directly relevant

and extendable to the specific idea of educational equality I am defending, and should therefore be addressed<sup>72</sup>. Let us outline them briefly.

The first objection against educational equality concerns specifically the notion of equality of opportunity and maintains that such an ideal is incoherent and, consequently, it should not guide the design of educational policy. Further, it claims that even the understanding of equality of educational resources is a flawed concept. On this view, the idea of an educational resource implies the notion of taking it up and using it appropriately. It follows that speaking of equality of resources in the educational domain is not logically coherent, since different people have different learning capacities and, consequently, different powers to use resources. Hence, according to this view, resources should be distributed on the basis of the best use that people can make of them, and not according to allegedly incoherent principles of equality. How does this perspective apply to the educational provision for disabled children and children with special educational needs? A plausible extension of this position leads to the conclusion that these children should receive only limited resources. For instance, it appears possible to maintain, following this view, that dyslexic children should not receive literacy resources, since, presumably, they cannot make the best possible use of them. As we shall see, this position is not only morally questionable, but also theoretically unsound, since it rests on an unjustified account of both equality of opportunity and educational resources. It therefore rejects the principle of educational equality without providing acceptable arguments against it.

The second objection argues that educational equality is not only a misplaced ideal, but has also been used to justify the questionable involvement of the state in schooling. More specifically, this objection contends that, although egalitarians claim to support equality, what they really invoke is a kind of sufficiency or adequacy, beyond which the results of any distribution of whatever goods are deemed valuable, does not represent a concern of justice. Applied to education, this translates to the view that the state should not be directly responsible for the provision of education, but should only make sure that all children receive an adequate minimum education, with full provision left to parental means. As we shall see, this view not only misrepresents egalitarian theories, but also draws partial conclusions from their arguments. Moreover, it appears important to restate here

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<sup>72</sup> The discussion of the first two objections draws consistently on Brighouse, 2000, Chapter 7, pp. 141-162, whilst the third draws on Robeyns, 2003.

the normative differences between promoting a minimum adequate education for all, and arguing, as I do, for equal effective access to fundamental educational capabilities. Whilst the first perspective denies the relevance of equality in education, the second represents a possible conceptualisation of it.

Finally, the third objection maintains that distributive ideals of justice, such as the one endorsed in my work, substantially fail to determine and provide for the fundamental aspect of equal recognition and parity of participation in society for underrepresented groups. This perspective, emerging mainly from feminist theory, presents similarities with positions in disability studies and the much-endorsed politics of difference. However, as we shall see, this position rests on a limited understanding of theories of distributive justice and ignores substantive differences among them. Furthermore, it does not acknowledge the theoretical and normative reach of the capability approach in promoting both issues of distribution and recognition.

The chapter is organised in three sections, each analysing and counter-arguing a single objection. I start by addressing the first critique, the incoherence of educational equality and the correlated idea of an 'elitist resource use'.

### **8.1 Should Resources be Distributed According to Individuals' Ability to Make Use of Them?**

In his article 'Does Equality (of Opportunity) Make Sense In Education?' John Wilson (1991) argues against educational equality as equal opportunity for learning and, in particular, against the idea of equality of educational resources<sup>73</sup>. Wilson's argument proceeds in two stages, with the second being specifically relevant to the case of the educational provision for disabled children and children with special educational needs. Consequently, my analysis of this objection will address, firstly, the general lines of Wilson's discussion, and, secondly, its implications for the education of children with learning difficulties. As we shall see, Wilson's position rests on a wrong understanding of the principle of distributive justice and educational equality, and its conclusions are theoretically unsound and normatively questionable. More specifically, I maintain that generically arguing, as Wilson seems to do, for the distribution of resources on the basis of people's abilities to use them

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<sup>73</sup> As noted above, Wilson's argument has been fully addressed by Brighouse (2000) and my account of its general framework draws consistently on this discussion.



violates principles of justice and poses serious moral doubts on the view of education, and, more broadly, on the kind of society proposed. Let us start by arguing against Wilson's main position.

According to Wilson, 'some human activities simply do not lend themselves to the context of distributive justice at all' (1991: 27) and in his view education is certainly one of these. The idea that we can allocate opportunities for learning is, in his view, logically incoherent, since it only makes sense to say that a person has the opportunity to do X if they have the power to do X (1991: 28).

To see this, consider the case where a person is quite unable to do X. Given a particular situation on the football field, a person may seem to have the opportunity to break through the opposing players and score. But he is quite unable to do this: he is too fat or too weak. ...He has the opportunity only if he has the power (Wilson: 1991: 28).

Wilson maintains that this is specifically the case in education, since people have different powers and capacities to learn and, conversely, certain pursuits can be learned by some people, but not by everyone. It therefore follows, according to Wilson, that equality of opportunity is an incoherent ideal if applied to education.

Brighouse (2000: 142) has rightly pointed out how the conclusion of this argument does not really follow from its premise. To say that certain activities can only be learned by some people and not by others does not imply that equality of educational opportunity is incoherent. Brighouse's counter-argument proceeds in two parts. First, he says, we could choose to teach only those activities that can be learned by everybody, thus avoiding the alleged incoherence of equality of educational opportunities. This solution would certainly result in undesirable policies, since it would not only infringe on peoples' liberties, but it would also yield unwanted consequences in depriving society of the valuable contribution of those who can produce goods for the benefits of many. Nevertheless, it would respond to Wilson's objection. Second, Brighouse points out that equality of opportunities in education does not mean exactly the same opportunities, but equal arrays of chances to learn. In this sense, two learners with different powers or abilities could still be given equal opportunities to learn, providing these opportunities are not the same ones (2000: 142-3). So if Lily has good abilities to learn foreign languages and Mark has the ability to learn playing the cello, Lily and Mark can be given equal opportunities to get their goods, but these opportunities will not be the same. Likewise, if Lily is visually impaired, whilst Mark is non-disabled, we can still provide Lily with equal educational opportunities, through Braille resources and appropriate

educational provision. Hence, following these counterarguments, the alleged incoherence of equal educational opportunities does not seem to be sustained.

However, there is a second part in Wilson's argument, whose logical consequences are relevant to the educational provision for disabled children and children with special educational needs and should, therefore, be specifically analysed in this context. Wilson argues that, given the incoherence of equality of educational opportunities, we can perhaps talk of equality of access, or resources or anything similar (1991: 29). He then proceeds to demonstrate how, in his view, even the concept of equality of educational resources does not make sense. According to Wilson, resources in general, but educational resources in particular, can only be considered such if they are taken up and used to educational purposes. In his words,

the notion of an educational resource (and this includes access-opportunities and anything else we may *prima facie* seem able to distribute equally) still contains the concept of uptake. For instance, having a computer is only an educational resource if it is seen and used for learning: that is, if the owner can actually (and will actually) become more educated by his possession of it (1991: 30).

Consequently, and given peoples' differential abilities and willingness to use resources and to become educated through this use, Wilson maintains that the idea of educational equality as equal distribution of resources is not a logically coherent principle and should not inform policies. Further, he maintains that the correct policy consists in,

first establishing the learning-activities which we think important, and then ensuring that all individuals who meet the criteria of selection for those activities are not debarred from pursuing them (1991: 30).

Hence on Wilson's view, given the situation of scarcity of resources, educational resources should only be distributed to those that can make the best use of them. For instance, higher education, seen as a valuable pursuit, should be made available only to those who can make the best of it, since 'not everyone can in fact make as good use of higher education as anyone else' (1991: 29).

Is Wilson's position theoretically coherent and normatively justified? I maintain that it is neither one nor the other. First, as Brighouse argues, the concept of resource does not necessarily require any uptake and, more specifically, the notion of an educational resource, counting as such only when used, is simply implausible (Brighouse, 2000: 143). Brighouse supports his counterargument by noting, for instance, that the nutritional value of a peanut is not compromised in the case of

somebody not eating the peanut, or eating it before feeling sick, or forgetting to eat it and so forth. What is missing in these circumstances is simply making use of the peanut's nutritional value. Similarly, the fact that a monolingual Italian speaker cannot make use of an English dictionary does not compromise the status of the dictionary as an educational resource (Brighouse, 2000: 143-4). Therefore, the notion of educational resource does not require an uptake of any kind: the educational value of a resource is there, despite the good or bad use that can be made of it. In this sense, Wilson's argument is theoretically unsound.

Second, what about the implications of Wilson's considerations on the use of resources, and hence on their distribution? Is it really normatively the case that educational resources should be distributed only to those that can make the best use of them? Here Wilson's argument is directly relevant to the case of educational equality I am defending. If Wilson is right, then there is no point in distributing resources to children with learning difficulties: they certainly do not seem to count as those who can make the best use of educational resources. However, I maintain that Wilson's position is normatively wrong and that his statement needs to be qualified, instead of being generically used for education broadly conceived. There are two elements supporting my counterargument: first, the normative principles of distributive justice, and, second, the specific moral domain of equality and justice.

To illustrate the first element of this counterargument, let us consider the example of Lily and Mark used above, but suppose that Lily can learn foreign languages excellently, whereas Mark can learn to play the cello but only at a mediocre level. Should we distribute resources only to Lily, since she is the one who can make the best use of them? As Brighouse comments, 'it is a harsh theory which yields these results' (2000: 144). Not only this, but also such a theory misinterprets the normative assumptions of distributive principles, which are 'to distribute goods among persons, not to distribute uses among resources' (Brighouse: 2000: 145). But let us extend this to the education of disabled children and children with special educational needs. Why, after all, should we distribute resources according to egalitarian principles, however specified, and provide the minority of disabled children and children with learning difficulties with additional resources, when we could actually invest those resources in providing the majority of children with, say, better sports facilities and playgrounds? Here again, the basic assumption is not the best use that children can make of the resources, but the possibility of distributing these resources, in order to give children equal chances to participate effectively in

society. This relates substantially to the second consideration supporting my counterargument: the moral domain of justice and equality. Since considerations of distributive justice and equality are underpinned by the equal moral worth of each person, and by the equal consideration they should receive from social and institutional arrangements, it seems that Wilson's focus on resources and their best use misses this point altogether. On his view, Mark would indeed receive less consideration given his supposed lower talent in using resources and, presumably, disabled children and children with special educational needs would be considered similarly. As discussed amply in previous chapters, such an assumption needs clear and detail arguments and it is unlikely to be morally sustained. Ultimately, Wilson's arguments appear unacceptable both theoretically and normatively.

There is, however, an aspect of Wilson's objection that needs further evaluation, since, if distributing resources according to their best use is normatively wrong, under conditions of scarcity of resources, the latter have to be used effectively according to precise principles of justice (an aspect that Wilson seems to miss completely in his discussion). This is fundamental in the case of educational equality and the correlated distribution of resources for disabled children and children with learning difficulties. What Wilson overlooks in his position, is that in the case of education, referring to a fundamental education is different from referring to the level of specialised further education mentioned in his argument, like an Oxbridge education, for example. Hence it appears reasonable to argue for equal access to educational resources, or, as in my framework, to fundamental educational capabilities necessary to participate as equals in society, whilst determining the promotion of further and higher capabilities on the basis of principles of justice, further specified. In this sense, equality in education is meant to provide individuals with the effective transformative resources that will allow them to lead fulfilling lives and choose among valuable options. As we have seen, Wilson's discussion does not contemplate this distinction, but only allows for the generic allocation of resources to those who can best use them, and, therefore, his notion is theoretically unsound and morally flawed. And this appears to settle our initial question by arguing convincingly against the distribution of resources according to their best use.

Ultimately, therefore, educational equality does not appear to be the incoherent ideal claimed by Wilson, but maintains its validity against this first objection. In the next section I address and argue against the second objection, the case for a

minimum adequate education for all, set against my egalitarian view of equal effective access to fundamental educational capabilities.

## 8.2 Is a Minimum Adequate Education for All Acceptable?

One of the ideas often invoked against egalitarian principles is that justice demands only a notion of sufficiency or adequacy; hence it requires that everyone has enough of whatever goods are distributed<sup>74</sup>. On this view, therefore, what matters, is not that people have equal shares of what is valuable, but that they all have enough. And although there may be different and contrasting concepts of sufficiency, providing that everyone has reached the level agreed as correspondent to it, the subsequent distribution loses importance (Swift: 2001: 121).

James Tooley endorses this perspective and applies it to education. Tooley claims that the egalitarian concern about educational equality is not only misplaced, but has also been wrongly used as the principal reason for justifying government intervention in education (Tooley, 2000: 62). He maintains that a closer look at the notion of equity or equality of opportunity reveals that not equality, but a minimum adequate education for all is what justice requires (Tooley, 2000: 62). Tooley further argues that empirical evidence suggests that state intervention in education does not achieve more equitable results than private initiatives, and seems even to fail the objective of achieving universal education. On these bases, therefore, he claims that state intervention in providing education is not only unnecessary, but also mainly unjustified (Tooley, 2000: 77). The only role of the state in education should be to ensure that children from very poor backgrounds receive a minimum adequate education. Hence, above the minimum level identified, educational opportunities should not be independent or insulated from the family (Brighouse, 2000: 146).

Is Tooley's objection to educational equality sustained? Is it really the case that the analysis of the notion of equality of opportunity shows us that not equality, but minimum adequacy is what counts? Brighouse<sup>75</sup> argues effectively against Tooley's objection by showing that it is based on an incorrect reading of principles of justice,

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74 For instance, Brighouse refers to the work of Harry Frankfurt (1987), *The Importance of What We Care About* in his discussion of Tooley's objection to educational equality (2000: 146). Similarly, Joseph Raz has questioned the concept of equality and presented instead a notion of diminishing principles, which asserts that the reason for giving someone a good depends on the degree to which they need the good. Although different, notions of sufficiency and diminishing principles act on the same premise that equality as such does not matter for justice. See Raz, (1986) *The Morality of Freedom*, and Swift, 2001: 121-122.

75 My discussion of this part of Tooley's objection draws substantially on Brighouse's analysis. See Brighouse, 2000: 146-150.

and by demonstrating that its conclusions on the adequacy of a minimum education are not acceptable. Let us then follow, first, Brighouse's arguments in addressing Tooley's critique of the concept of educational equality. Second, let us proceed to outline the substantive normative differences between endorsing a criterion of adequacy and providing a principled framework for equal and effective access to educational capabilities. Finally, let us consider the possible implications of Tooley's position for special and inclusive education.

Tooley addresses his objection primarily to John Rawls' theory of justice and specifically to its principle of fair equality of opportunity. Recall here that Rawls' theory is based on two principles, a Liberty Principle, which stipulates that the basic liberties should be equally distributed, and a Second Principle, which regulates the legitimate inequalities among individuals. According to the Second Principle,

Social and economic inequalities are to satisfy two conditions: first they are to be attached to offices and positions open to all under conditions of fair equality of opportunity; and second, they are to be to the greatest benefit of the least-advantaged members of society (the difference principle). (Rawls, 2001: 42-3).

Furthermore, Rawls specifies that the First Principle is prior to the Second and that, within the Second Principle, fair equality of opportunity is prior to the difference principle. This means that conditions of fair equality of opportunity constrain, but cannot be constrained by inequalities benefiting the least advantaged members of society (Rawls, 2001: 43).

As Brighouse notices, although the interpretation of the concept of fair equality of opportunity is complex, Rawls specifies it by stipulating that fundamentally those with 'the same level of talents and willingness to exert efforts should have the same chances of success, regardless of their initial place in society' (2000: 147). Brighouse then points out that this understanding of fair equality of opportunity underpins educational equality, since it requires educational opportunities to be provided independently of family circumstances. This is consistent with Rawls' statement that 'society must also establish, among other things, equal opportunities of education for all regardless of family income' (Rawls, 2001: 44). Hence, educational inequalities due to the higher power expenditures of certain families over others violate equality of opportunities, and are therefore unjustified (Brighouse, 2000: 147). Furthermore, state intervention in education may be necessary, among other reasons, exactly in order to enact this principle.

Now, as Brighouse points out, Tooley's interpretation of Rawls' theory assumes that fair equality of opportunity is mitigated by the difference principle, i.e. by the idea that inequalities should benefit the least-advantaged in society. Further, Tooley maintains that the difference principle is actually unjustified within Rawls's theory and that inequalities should be acceptable not in the strict sense of being only for the benefit of the least advantaged in society, but in the sense of providing a minimum, an adequate level to the least favoured (Brighouse, 2000: 148). Consequently, Tooley maintains that justice requires an adequate minimum education, and that the principle of educational equality is indeed misplaced. However, as seen in Rawls's restatement of his principles of justice, and as Brighouse concludes in counter-arguing Tooley's interpretation, the latter is based on an incorrect understanding of Rawls' theory. This clearly stipulates that the principle of fair equality of opportunity constrains the possible inequalities benefiting the least advantaged persons in society, and not the opposite. Ultimately, the upshot of the discussion is that inferring, as Tooley does with regard to Rawls's theory, that justice requires a minimum adequate education for all is theoretically incorrect and normatively unjustified. It follows, therefore, that educational equality is not the misplaced ideal claimed by Tooley and its normative validity is vindicated (Brighouse, 2000: 149). Furthermore, and consequently, the presumed unjustified intervention of the state in education is indeed legitimate exactly in order to enact the principle.

I shall not take this discussion any further here, since what is important to note is that the principle of educational equality withstands this second possible objection, and that, contra Tooley, when referring to equality in education we are not endorsing a notion of sufficiency or adequacy. I now turn my analysis to the differences between supporting a minimum adequate education for all, and suggesting a possible conceptualisation of educational equality based on equal effective access to fundamental capabilities. This seems an important step at this stage, because the framework I suggest theorises a threshold level of fundamental capabilities, which can be seen as an adequacy criterion. What, therefore, are the differences between the two positions?

The first, obvious difference consists in the normative framework within which the two positions are inscribed. As we have seen, Tooley's perspective of a minimum adequate education for all is not underpinned by a consistent theory of justice, nor is it concerned primarily with equality. It appears more in line with the libertarian

critique of egalitarian approaches, maintaining that egalitarians transfer too much power from the individual to the state. This seems consistent with Tooley's insistence on the unnecessary intervention of the state in education, and his proposal of educational provision to be left to parental means and not insulated from the family (Tooley, 2000: 80). This links to the second main difference between the two approaches. The minimum adequate education for all endorsed by Tooley, in denying equality of opportunity and the necessary separateness of educational opportunities from family endowments and circumstances, allows for substantial inequalities to be reinforced through education. Recall here that education is a complex good, which yields not only an intrinsic but also and importantly an instrumental value, in that it allows for better future opportunities and life prospects. The point of equality of opportunity and its defence within the Rawlsian scheme is exactly to impose constraints to material inequalities, given that the family is excluded from the principles governing the basic structures of society, and to ensure that individuals are not unfairly advantaged or disadvantaged by family circumstances. Tooley's minimum adequate education for all is therefore not adequate at all, since it leaves the educational provision under-specified, and, in connecting the provision of education to family circumstances, *de facto* legitimates inequality. Conversely, the principled framework for equal educational opportunities and access to fundamental capabilities I suggest, although implying a threshold level of achieved functionings, links the threshold to the effective equal opportunities and access to it, and hence safeguarding conditions for equality. In this sense, the framework I propose presents an aspect of adequacy with respect to the level of fundamental capabilities to be achieved. However, the conception of a minimum adequate education I defend is more substantive than Tooley's, since it includes explicit criteria that articulate equality of opportunities for fundamental educational functionings. Ultimately, it attempts to promote and defend equality.

There is, finally, a further aspect implied by, yet not explicit in Tooley's objection, that is the possible provision for disabled children and children with special educational needs. Tooley does not specifically consider this provision hence we need to extend his perspective to include it. Presumably, therefore, according to Tooley, children with learning difficulties should receive a minimum adequate education, provided by the state if they are extremely poor, or by their parents in all other cases. Beyond that, their education should be left to parental choice, and parents should be allowed to choose among different educational options in a



market system. Is this an adequate provision? I maintain that it is not, and that there are at least two kinds of problems connected to it. The first relates to the possible specification of what the adequate education for children with learning difficulties would be. Would it be the same minimum education for all, or a specific minimum education? But we can bypass this problem and simply suppose it would be the same education for all. However, then the question arises with respect to the possible costs associated with the education of children with learning difficulties. This cost might be higher than the one for educating non-disabled learners, due, for instance, to extended learning time. Should the family be expected to provide for this? Or should it be expected to do so beyond the minimum adequate education? Furthermore, recent empirical research shows the possible negative results for the education of disabled children and children with special educational needs associated to the introduction of quasi-market mechanisms in the schooling system<sup>76</sup>. Hence, further problems seem to arise. For instance, how could the element of resource cost-effectiveness be considered in relation to this provision and in order for private institutions to act competitively, as they are supposed to do in a market structure? Tooley's perspective does not appear to provide any guidance in the case of the educational provision for disabled children and children with special educational needs. Consequently, his suggestion of a minimum adequate education fails to be convincing under this respect, too.

Ultimately, educational equality withstands this second objection, and seems to provide a valid principle upon which to reconsider not only general provision but also special and inclusive educational provision. In the third and final section of this chapter I address a further objection to the concept of equality as distributional ideal. This is the critique of the lack of attention that theories of distributive justice, including the capability approach, give to equal recognition and parity in participation.

### **8.3 Is Educational Equality Unable to Account for Equal Recognition?**

Recent perspectives on justice have questioned the egalitarian concern for issues of distribution as the best enactment of the ideal of equality, and have proposed instead views based on the positive definition of differences. In particular, the

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<sup>76</sup> See chapter 2, pp. 44-47.

celebrated politics of difference maintains that institutional arrangements should provide 'mechanisms for the effective recognition of the distinct voices' of oppressed and marginalized groups in society: ethnic, 'racial' and sexual minorities, women and disabled people (Young, 1990:184). Progressively, these perspectives have been juxtaposed to egalitarian theories of social justice promoting equality as a distributive ideal.

Nancy Fraser challenges this polarisation between redistribution and recognition by arguing that it is not only a false antithesis, but also that 'justice today requires both redistribution and recognition, since neither alone is sufficient' (Fraser, 1998: 5). Fraser maintains that theories of distributive justice are unable to account for issues of recognition. Conversely, she holds that theories of recognition are unable to accommodate issues of redistribution. To overcome what she maintains is a false opposition, Fraser proposes a 'bivalent' conception of justice, which encompasses both concerns, without, she says, reducing either of them to the other. The normative core of her framework is the notion of parity of participation, which 'requires social arrangements that permit all (adult) members of society to interact with one another as peers' (1998: 30). According to Fraser, two conditions are necessary for participatory parity to be accomplished: an objective precondition, which states that material resources should be distributed to ensure individuals independence and 'voice'; and an intersubjective condition, stipulating that cultural and social arrangements should express equal respect for all and ensure equal opportunity for achieving self esteem (Fraser, 1998: 31). Ultimately, the main aim of 'bivalent' justice is to avoid unilateral views, and to address the complex nature of inequalities both from 'distributive' and 'recognition' positions.

In this section I engage with Fraser's critique of distributive theories of justice<sup>77</sup>. As mentioned above, Fraser maintains that these theories, by concentrating uniquely on economic and material equality, fail to account for the fundamental aspect of the social and cultural recognition of disadvantaged and marginalized groups in society. Furthermore, she holds that the theoretical framework of these theories is unable to subsume aspects of recognition. Although Fraser does not refer specifically to a single theory, nor does she explicitly list any of the authors she is addressing, from footnotes and references it can be inferred that her critique is directed to John Rawls, Ronald Dworkin and Amartya Sen (Robeyns, 2003: 540). As Robeyns notes

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<sup>77</sup> This aspect of my critique draws consistently on Robeyns, 2003, 'Is Nancy Fraser's Critique of Theories of Distributive Justice Justified?' in *Constellation*, 10 (4), 538-553.

(2003: 540), it is unfortunate that Fraser does not provide a clear distinction between these otherwise quite different theories, but deals with them comprehensively, thus substantially limiting the validity of her account. Nevertheless, if sustained, the suggestion that the critiqued theories, and in particular that of Sen, cannot accommodate issues of recognition would substantially question the conceptualisation of educational equality presented in my work. More specifically, it would lead to the undermining of the normative reach of the framework and its importance in informing policy and practice towards social justice in education for disabled learners. Fraser's critique, moreover, appears fundamentally in line with social model theorists, who have long demanded the valorisation of all differences in society, as well as in education<sup>78</sup>. Hence Fraser's assertion is even further enhanced by this convergence with positions expressed by disabled people's movements and proponents of educational perspectives based on the social model of disability.

But is Fraser's critique of distributive theories of justice sustained? Is it really the case that egalitarian perspectives fail to accommodate the recognition of differences by focussing only on economic and material inequalities? Following Robeyns (2003) I maintain that Fraser's objection is incorrect, and that her claims do not pay sufficient attention to different perspectives within the egalitarian debate, and 'are simply stated without much supporting evidence or argument'<sup>79</sup> (2003: 540). In particular, I argue that among distributive theories, the capability approach provides a normative framework that not only includes both redistribution and recognition, but also presents a wide theoretical reach able to legitimate justice for the underrepresented groups which are the concern of the politics of difference. Let us see how.

The one distinctive element that makes the capability approach able to account for justice in terms of redistribution and recognition is its attention to human diversity and the centrality accorded to it within the approach. Recall here that, according to Sen, human heterogeneity is not a secondary aspect to be reintroduced a posteriori in a given theory of justice, but constitutes the main concern of equality. Furthermore, central in Sen's view is people's conversion factors of resources into valued ends. This encompasses, together with personal differences, also

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78 See previous chapters, and, specifically chapters 3 and 4.

79 In what follows I concentrate only on Sen's approach, whilst leaving the analysis of Rawls's and Dworkin's positions to further investigations.

environmental and social elements. Hence the impact of individual, social, environmental and cultural factors on a person's set of capabilities, is fundamental for the evaluation of people's relative positions and their advantages or disadvantages in terms of justice. The centrality of human diversity in the capability approach, and its clear definition, make the approach sensitive to the reconsideration of differences associated to disability or gender, for instance. Moreover, differences are here evaluated in their interaction with social and cultural arrangements, thus leading to a perspective that does not undermine diversity as an individual limitation with respect to given ideas of 'normality'.

There is, furthermore, a second element that restates the wide reach of the capability approach in accounting for both dimensions of justice: the attention to the process of decision making and selection with respect to individuals' valuable capabilities. Recall here that, according to Sen, democratic processes of choice should be followed for the selection of people's relevant capabilities, thus requiring the direct participation of those affected by the choice in the process. In this sense, the approach substantially theorises a space for the individual and collective expression of people's voices, and hence it allows for the element of recognition to be included. Furthermore, the approach is also sensitive 'to the cultural and non-material social constraints on choice that influence which option a person will choose from their capability set' (Robeyns, 2003: 547) and requires critical examination of them, too. As Robeyns states, within the capability approach, 'preference formation, socialisation, subtle forms of discrimination and the impact of social and moral norms are not taken for granted but analysed up-front' (Robeyns, 2003: 547).

To illustrate these aspects, let us recall in which ways the capability approach allows us, for instance, to reconsider impairment, disability and special educational needs and how this has an impact on both redistribution and recognition.

Seen within the capability approach, disability and special educational needs are specific aspects of human diversity emerging from the interaction of individual and social factors. Since they affect people's valuable functionings and capabilities, disability and special needs constitute vertical inequalities, and as such, they have to be addressed as a matter of justice. The capability approach emphasises the interrelational aspect of disability and special needs with the design of social and institutional arrangements, thus not locating either of them unilaterally on the

individual or on society. Furthermore, the approach is concerned with enlarging people's capability sets, and hence their capability to choose valued beings and doings. In this sense, the approach provides us with a useful framework when we want to address the injustice, both material and of recognition, associated with disability and special needs. For instance, in evaluating the capability set of a wheelchair user, the capability approach would consider how the personal characteristics of the individual interacts with the design of social and environmental arrangements. In this sense the approach legitimates the additional resources or modifications to the environmental and social design necessary for the full participation of the person in society. Furthermore, the approach considers the cultural and non-material social constraints that can hinder the choice, or the broadening of the capability sets, available to the person. Negative images and forms of discrimination could therefore be seen as compromising elements for the pursuit of individuals' well-being. Finally, the capability approach requires that the voice of wheelchair users in the selection of their relevant capability be a necessary part of the democratic process of policy making, thus allowing and requiring the possibility of effective participation as equals in society.

Ultimately, the theoretical and normative features of the capability approach restated above confirm, contra Fraser, that the approach can, and indeed does, accommodate issues of distribution and recognition in substantial and broad ways, thus vindicating it against her claims. However, before drawing this discussion to its conclusion, a further aspect needs addressing, although only briefly. This concerns the ways in which both redistribution and recognition can be shown as informing the principled framework for a just distribution of educational opportunities to disabled learners that I have formulated in my work. Here again, the two aspects appear both present in the framework. Recall that the framework requires equality of effective opportunity and access to the fundamental capabilities necessary to participate as equals in society and draws a threshold level of achieved functionings, beyond which the distribution follows specified principles. Hence, the distributional aspect of justice of the framework is ensured by its allowing for additional resources to be distributed to disabled learners as a matter of justice. Second, the aspect of recognition is allowed by the choice of the fundamental capabilities and their aim of promoting people's possibility to effectively participate in society on an equal level. Correlated to these aspects, the kind of education that appears more conducive to these aims seems to be a form of education for autonomy, which, if not in itself a

guarantee of equal opportunity for self-esteem, constitutes nevertheless one of its necessary requirements. And these final elements show that Fraser's concern about the inability of the capability approach to accommodate justice as distribution and recognition is not sustained.

### **Concluding Comments**

In this chapter I have shown that three main objections to educational equality substantially fail in their intent of arguing against it as a valid and important ideal that should guide the design of educational policies and practice. More specifically, I have demonstrated that educational equality, in terms of equality of opportunity, is not an incoherent ideal and that its specification as equality of resources does indeed make sense in education. Furthermore, I have argued against the idea that educational resources should be distributed only to those who can make the best use of them, and proved that such a position misinterprets the aim of distributive justice and overlooks its normative and ethical dimensions. Secondly, I have argued against Tooley's notion of a minimum adequate education for all and shown that such an education would constitute an inadequate provision, both generally and for disabled children and children with special educational needs in particular. Finally, I have addressed the critique of the lack of attention to issues of recognition through offering a specific approach within distributive theories of justice. By demonstrating that the capability approach encompasses justice both in terms of redistribution and recognition, I have reaffirmed the theoretical and normative validity of the framework I am suggesting for equality and justice in education for disabled children and children with special educational needs. Since the framework withstands these critiques, it appears a valuable groundwork for educational theory and practice. Further critiques may emerge and require attention.

## Chapter 9

### Conclusion

In the Introduction to this study I outlined the importance of educational equality as a fundamental aspect of social justice. I said that equality, although rather under-researched and under-theorised in education, has a crucial role to play at two interconnected levels: the level of ideal theory, concerned with conceptualisations and norms, and the level of policy and practice, related to the enactment of these ideals in education. I further maintained that educational equality is a vague and complex idea, and that, whilst its conceptualisation requires a normative framework, the same framework can provide substantial guidance for the design of more just, and hence better educational policies. Drawing on the specific theory of educational equality presented by Brighouse (2000), I argued that one of the most difficult problems in conceptualising educational equality consists in clarifying its meaning in relation to the inequalities of learners' abilities, and particularly with respect to the provision for disabled children and children with special educational needs. I then suggested that such a meaning resides in a principled framework for a just distribution of educational opportunities and resources to these children. I therefore planned this study to outline the main theoretical and normative elements of the proposed framework. At the same time, I intended to present a possible perspective in the philosophy of education, by deploying normative paradigms of political philosophy and applying them to the context of education. The task set out in the Introduction is now accomplished. However, many aspects of the principled framework I suggest, as well as several methodological elements emerging from my work, remain to be addressed. In these concluding comments I summarize the main elements of the principled framework outlined. I then highlight some features of the theoretical and methodological exercise undertaken. Finally, and more importantly, I critically present and address issues for further analysis and theorisation. First, the framework suggested.

#### 9.1 On the Principled Framework

The current educational provision for disabled children and children with special educational needs in many Western countries is characterised by a variety of

organisational settings, which include special schools, integrated contexts, and 'more inclusive' provision. Variations are also present at the level of definitions used to identify and classify children, with systems still adopting categories of disability mainly referred to medical and psychological concepts, and others adopting instead broader notions of 'special educational needs'. Likewise, the funding of special and inclusive education sees pervasive inequalities and great disparities in the resources allocated for the education of these children. This situation reflects, and in turn is reflected in the diversity of theoretical positions informing the debate as well as the policy and practice in special and inclusive education. These perspectives are characterised by opposing theoretical frameworks, and by the divide between positions emphasising disability and learning difficulties seen as individual characteristics, and positions highlighting instead disability as socially determined. Both frameworks present substantial theoretical limits, which reside mainly in the artificial opposition between individual and social causal factors of disability and special educational needs. In particular, the social model of disability, endorsed by disabled people's movements and currently broadly influencing government acts and the design of educational policies, presents limits that substantially hinder the theoretical and political feasibility of its project of inclusion.

The analysis of this situation confirms the need for a principled framework informing and guiding the distribution of resources and the more general design of the educational provision for disabled children and children with special educational needs. It furthermore confirms the necessity of conceptualising such a framework at two interrelated levels: a theoretical level, concerned with defining impairment, disability and special educational needs, and a level of provision, which conceptualises educational equality in relation to differences and inequalities in learners' abilities.

I maintain that liberal egalitarianism offers a valuable normative ground where some of the tensions at the core of special and inclusive education may find a positive resolution. In particular, within liberal egalitarianism, the capability approach provides us with an important and innovative perspective that allows for a re-conceptualisation of impairment, disability and special educational needs as well as educational equality for disabled learners. The capability approach maintains that equality and the just design of social and institutional arrangements should be evaluated in the space of capabilities, i.e. in the space of the real freedoms people have to be and to do what they value. Hence this approach provides a metric for the



evaluation of people's reciprocal position based on the extent of people's freedom to achieve valuable capabilities.

The conceptualisation of educational equality I suggest is inscribed in this normative paradigm and consists in a principled framework for the just distribution of educational opportunities to disabled learners. The framework includes two parts: a definitional and a level of provision.

*The definitional level* - In capability terms, impairment, disability and special educational needs are seen as emerging from the interrelation between individual and circumstantial factors. Impairment is understood as a possible functioning restriction, which may or may not become a disability. Impairment becomes disability –and hence an achieved functioning restriction – when either the impairment itself cannot be overcome, or the social and environmental design does interact with individual features in ways that substantially restrict functionings. Disability entails functionings restrictions and therefore results in capabilities limitations. Likewise, learning disabilities are restricted functionings that result from the relation between specific characteristics of the learner and the design of the educational system. Evaluated through a capability metric, these restrictions in functionings and capabilities constitute vertical inequalities, and, as such, they have to be addressed as a matter of justice.

*The level of provision* consists in a principled framework for a just distribution of opportunities and resources for educational capabilities. This framework entails the conceptualisation of a fundamental educational entitlement and two criteria. A fundamental educational entitlement requires equal opportunities and equal effective access to levels of educational capabilities necessary to individuals to participate as equals in society. It follows that disabled children and children with special needs should receive educational opportunities and resources required to allow them to achieve the basic educational functionings that are prerequisite for an effective participation in society. This first criterion legitimates the additional resources and opportunities for disabled learners as a requirement of justice. It further sets a threshold level where the distribution of opportunities and resources should be levered. This corresponds to the level of functioning necessary to individuals to be effective and equal participants in their dominant social framework. The second criterion applies considerations of efficiency to the distribution of opportunities and resources in education. It asserts that beyond the level of

fundamental capabilities necessary for an effective participation in society, opportunities and resources for higher educational capabilities should be distributed in ways that allow the achievement of more capable learners, providing that this serves the prospective benefit of those less capable, and therefore least advantaged within the institutional arrangements considered.

Whilst this principled framework does not constitute a theory of educational equality, it nevertheless provides a feasible answer to the difficult problem of determining what distribution of opportunities and resources is just for disabled learners. Furthermore, the framework provides the groundwork upon which to design educational policies aimed at equality. Since this framework is arrived at through a specific philosophical method, a few considerations on the latter are now due.

## **9.2 On the Theoretical Exercise Outlined**

This study connects the normative, ideal level of political philosophy to the normative level of education. It clarifies what educational equality ought to be in relation to the provision for disabled children and children with special educational needs. Whilst specifying a precise account and meaning of educational equality, this study provides a normative groundwork for the design of policies that are more just, as well as for evaluating the fairness of current policies.

In connecting the normative aspect of political philosophy with that of education, my work can be read as an exercise in the exploration of a particular perspective within philosophy of education. This perspective consists in an articulated theory that, whilst considering what principles should guide the design and the reform of educational institutions, and hence whilst providing a normative ground, is at the same time informed by the more empirical and practice-based framework of educational theory and policy. In this sense this perspective in the philosophy of education draws on the interrelation between philosophical argumentation and educational issues. It adopts the standard methodologies of analytical political philosophy embodied in the Rawlsian notion of 'reflective equilibrium' and applies them to educational theory. Reflective equilibrium consists in proposing normative principles, testing them against well-grounded intuitions, and adjudicating the conflicts between principles and intuitions when they arise. The result is a precise and defensible normative account of principles that can provide guidance for

educational policy and practice. Hence a critical perspective developed in this way could help educationists, policy analysts and policy makers to understand and more clearly articulate their objectives and frameworks for actions.

There are, however, numerous tensions in the role and the process I advocate here for philosophy of education in relation to educational policy and practice (McLaughlin, 2000). And whilst the exploration of these tensions is beyond the scope of this work, it is nevertheless worth indicating at least two of them. First, tensions may arise between some of the 'non-instrumental aspects of philosophical exploration' and the more technical and practical task of policy making (McLaughlin, 2000: 451). In this sense, the elucidation of the meaning of educational equality for disabled children and children with special educational needs may not result in a straightforward process of decision-making with respect to policy. Second, tensions can arise in relation to the constructive critique offered by philosophical arguments, for instance those I applied to the current policies in special and inclusive education, and the more 'decisional' aspect involved in drawing feasible policies. Again, the relation between philosophical argumentation and practical realisation is not a straightforward and linear one.

However, despite these possible tensions, a clear theorisation of principles plays the significant role of providing guidance for the design and reform of social institutions and the judgement of whether a policy is good or bad (Brighouse, 2001: 1). It is not a philosopher's task to decide what policy reforms and policy-making will enact specific principles and achieve valuable outcomes, but to outline compelling arguments for these principles and outcomes and elucidate their interpretations. Ultimately, therefore, this is the precise and defensible role for the perspective in philosophy of education that I have deployed in this study.

### **9.3 Issues for Further Exploration**

The conceptualisation of educational equality for disabled children and children with special educational needs I suggest *does not* constitute a theory of educational equality, nor a fully fleshed out account of justice in education for these children. There are numerous aspects of this perspective that need further analysis and significantly more substantive thinking. I shall outline here some of the most compelling tasks still to be addressed.

First, there are normative aspects. More specifically, what theoretical and normative elements should be developed in order to provide a fuller theory of justice in education for disabled learners? Furthermore, what role would educational equality play in such a theory of justice? There are three main elements that need to be addressed in relation to the questions posed above. The first relates to the attention that a theory should devote to a more precise conceptualisation of the entire design of the institutional framework within which educational arrangements are operating. What would constitute the best design of the social and institutional framework in which this notion of educational equality could be inscribed? This first element relates substantially to the second one, which concerns specifying exactly the relationship between justice in education and social justice. Exploring this aspect requires elucidating the role of educational equality for a theory of justice. Finally, and importantly, further analysis should be devoted to the fundamental implications for justice deriving from a conceptualisation of equality that invokes an adequacy criterion in the form of a threshold level of fundamental capabilities. Here the analysis extends to the broader debate on equality and social justice and to the role that the capability approach can play in such a debate.

Second, there are theoretical and normative issues specific to the debate in special and inclusive education that need further analysis. The framework I suggest leaves open the fundamental question of conceptualising inclusive education for disabled children and children with special educational needs. Strictly related to the level of provision suggested, this issue is central not only to policy and practice in education, but also to any theory of justice for disabled learners. More specifically, the questions to be addressed relate to the enactment of ideals of equality and the design of schooling settings that are the best implementation of the ideal. Re-examining the concept of inclusion through the capability approach helps in clarifying the arguments that might support specific designs of inclusive settings in relation to the expansions of disabled children's capabilities. The strong consequential structure underpinning the capability approach allows for a reconsideration of the arguments in support or against inclusive settings whilst maintaining the aim of children's well-being firmly in sight.

Finally, the actual operationalisation of this study is a matter of further investigation. Future analysis should therefore address the implications of applying the capability approach to the context of education. Although the approach has promising theoretical and normative insights for education, its operationalisation in education

is still at a preliminary stage. In particular, there are two important aspects that need researching. The first concerns the possible conceptualisation of education in terms of capability, or, more precisely, as a basic capability, and the identifications of what capabilities are fundamental in education. My study has presented a very tentative and initial account of education as basic capability, and hence the subject needs further exploration. Second, ideas and formulations for current and future policies in special and inclusive education should be explored in more detail. More specifically, further studies should address what sets of educational indicators, drawn on the capability framework on disability and special educational needs, are relevant to a just differential provision in education and how they can inform policy. This would represent also an implementation of the normative framework I suggest in this thesis, thus allowing for the enactment of the fundamental value of equality and justice for disabled learners in the policy and practice of education.

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